

LOYOLA UNIVERSITY OF CHICAGO

THE STATE OF SPECIAL EDUCATION PRACTICES WITHIN OUR NATION'S
CHARTER SCHOOLS

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ABSTRACT

The purpose of this study was to assess the presence and/or implementation of Special Education activities within charter schools by questioning principals about the presence of children with disabilities in their schools, types of services provided in the charter schools, and the beliefs and attitudes of the principals regarding Special Education law, philosophy, and implementation. The research question was: What is the current state of special education in our nation's charter schools? This was delineated into 4 subquestions dealing with criteria of effective schools, the extent of implementation, and specific services provided in the schools.

Data was collected from a survey that was posted on the World Wide Web. Responses were anonymously mailed back in an electronic format, disabling the ability to identify the respondent. The survey instrument was designed to assess principal attitude, numbers of students with disabilities, special education and/or related services being provided in charter schools, the principals' understanding of their obligations, and the beliefs and attitudes of the principals regarding Special Education law, philosophy, and implementation. It was found that while some charter school principals did not feel that their schools should have to serve students with special needs, they were not in the majority. Some schools were apparently created to serve various populations of children such as autistic children or EMH children. Special education and its related services

were being provided in a number of schools and the range of services was great. Charter schools did meet the criteria of effective schools as presented in the study. Based on the principals' self-reporting, special education students in charter schools are present and there is evidence that special education and related services are being provided, despite the ambiguity surrounding charter legislation and how Special Education is to be implemented within charter schools.

CHAPTER I

INTRODUCTION

As the number of charter schools grows across the nation to a current total of 2,370 schools in 37 states and the District of Columbia, there is concern that very little research has been conducted regarding the administration and provision of special education within these public schools (Allen, 2001). The U.S. Department of Education has made an effort to recognize this concern by publishing a report on charter school legislation provisions relating to students with disabilities (Fiore & Cashman, 1998) in addition to their annual report on charter schools. Charter school principals, however, already are cognizant of the problems regarding special education provisions within their schools. The question remains – What is being done to ensure that all students are receiving a free appropriate public education at these schools?

School reform is one of the nation's most important agenda issues. Voucher programs have been considered, which allow parents to receive a tuition credit at the private school of their choice if they feel that their child is not being educated appropriately at their local public school. Florida passed a law that allows students who attend a school that is still failing after two years of extra direction, attention, and money to find a better school (Allen, 1999) meaning that if a child attends their local public

school that is failing after two years of intervention, all parents are granted full tuition credit to transfer their child to a private school.

The American public wants to see real results, not simply reassurances by the authorities that run the very schools that they may feel are not servicing their children. Lawmakers, parents, and the public have expressed a desire for aggressive reform that is accountable to the very people that pay for the reform – the public. Far too often, educators point the finger of blame at the parents and home environments while parents point the finger of blame right back at the school. One new type of reform is approximately ten years old and enjoys great debate and relative success in 38 states and territories of the United States. This reform is the charter school movement.

Overview of the Study

This research will attempt to assess the provision of special education and its related services within a sample of 800 charter schools. This investigation explores the current research on the administration and provision of special education and related services within charter schools. The focus of this study involves analysis of the current data and statistics about special education in charter schools. This research centers on the following research question:

What is the current state of special education in our nation's charter schools?

To address this question more closely, the following research questions will help to focus the research:

1a) What criteria of effective schools do charter schools fulfill?

1b) To what extent is special education implemented in charter schools?

1c) What special education services are being provided in charter schools?

1d) What related services are being provided in charter schools?

Charter schools are public schools that receive state and federal funds to open innovative schools that are generally freed from most regulations and legal mandates. There are approximately 2,370 charter schools in the United States and more are opening each year as more states plan to pass legislation that will allow for charter schools to open. Approximately 500,000 students are served in our nation's public charter schools and there is considerable discussion about whether charters are effective or not. Of the sparse outcomes available today, many are positive. In 1998, the Center for School Change at the University of Minnesota studied academic achievement in over thirty charter schools in eight states. They received sufficient data from twenty-one of the schools to determine that the twenty-one that responded did improve achievement for the children attending the charter school. Seven charters in that group have had their contracts renewed because of improved student achievement and six schools received an award for outstanding performance. Nine schools did not send enough comparable data from one year to the next to determine whether academic gains were made. Two schools provided no data (Cheung, Murphy, and Nathan, 1998).

Despite fears that they would only cater to an elite upper to upper middle class white population, charters tend to serve equal or slightly more minority youths than do their public counterparts. Despite concerns that charters would simply be reproductions of existing public schools, many charters purposely serve at-risk students (Richmond,

1998). Despite continuing concerns voiced by teachers' unions regarding many states' legislation to allow charters the options of hiring certified or non-certified teaching staff, parents do not seem fazed by this de-regulation measure as many parents continue to apply to the nation's growing number of charter schools.

The parents of students in 30 charter schools were surveyed across nine states by Finn, Manno, and Vanourek in 1997. They were asked to compare their child's charter school against the school that their child would otherwise attend based on the thirteen criteria of class size, individual attention by teachers, school size, quality of teaching, parent involvement, curriculum, extra help for students, academic standards, accessibility and openness, discipline, basic skills, safety, and school facilities. Approximately two-thirds of the parents surveyed felt that the charter school that their child attended was better than the school they otherwise would have attended on all criteria, except school facilities. Only about 42% of the parents felt that the charter school had better facilities than the school the child would otherwise attend. About 20 – 25% of the parents felt that the conditions of the thirteen criteria at the charter school was the same as the school that their child would otherwise attend. Only 2% - 4.4% of the parents felt that the charter school was worse on the twelve criteria than the school that the child would otherwise attend; the thirteenth criteria of "school facilities" was regarded worse by 15.1% of the parents. From the results of this survey, parents seem generally pleased with their child's charter school, regardless of the concerns raised by some groups. This can be seen in Table 1.

Table 1

Overall Parent Rating of Charter School vs. School Child Would Otherwise Attend

	Better	About the Same	Worse
Class size	69.3%	16.3%	2.5%
Individual attention by teachers	69.9%	16.7%	2.7%
School size	68.6%	13.1%	4.4%
Quality of teaching	65.7%	19.7%	2.0%
Parent Involvement	64.0%	21.3%	2.2%
Curriculum	65.0%	20.8%	3.1%
Extra help for students	64.3%	19.7%	3.3%
Academic standards	63.0%	22.2%	3.0%
Accessibility and openness	60.5%	23.0%	2.5%
Discipline	60.2%	23.6%	3.6%
Basic skills	58.8%	25.7%	2.4%
Safety	59.5%	24.5%	3.5%
School facilities	42.0%	27.1%	15.1%

*(Vanourek, Manno, Finn, and Bierlein, 1997)*Special Education and Charter Schools

The Individuals with Disabilities Education Act (IDEA) of 1997 states that charter schools are not exempt from any IDEA mandates and that children with special needs must be served as they would in a regular public school (IDEA §613). Much debate has been raised about how effectively the mandates regarding students with special needs are served in charter schools. This concern is well-founded as charter schools tend to have fewer resources, fewer years in operation, less understanding of what is expected of them in serving special needs students, and a lack of staff qualified to

provide special education services. There is concern, however, that few charter school principals are fully cognizant of these expectations, or if they are, they don't know how to effectively deliver necessary services on a budget already overburdened by start-up costs like leasing a school building, purchasing desks, computers, books, and hiring teachers. Some preliminary evidence suggests that relatively few charter school principals are conversant in the requirements of IDEA, Section 504, and ADA (Charter schools and special ed law, 1997).

There is concern that charter schools may exclude children requiring special services due to the financial hardships that these students may bring with them. The impact of students with "special needs" on a budget is frequently raised as a barrier to fiscal viability of charter schools, particularly for small, newly created schools (Bierlein & Fulton, 1998 cited in Riley, Maguire, & Conaty, 1998). Despite concerns, no evidence has been reported to date of special education programs causing schools to reach fiscal instability (Riley, Maguire, & Conaty, 1998). One New Jersey educator offered a sobering view of the current state of affairs (in charter schools regarding special education). He said that the word on special education from charter school principals in other states is: "What you do is sit down with the parents (of a special needs student) and discuss reality and hope they don't sue you," (Schnaiberg, 1997, p. 4). Exceedingly, this seems to be the case for many charter school principals. The fear of charter school principals who struggle to make financial ends meet is the day that a special needs student enters their school and wishes to attend. For example, a charter school in Kansas City, MO is allocated \$7,079 per pupil (DeSchryver, 1998). That charter school

which enrolls a special needs' child may be expected to bear the cost of upwards to \$80,000 for one student's various medical equipment, staff training, and various educational aids. Little of the additional money spent by a school in providing for a child with expensive needs is reimbursed. Charter school advocates may plead that consideration of disabled students will weaken the charter movement, but this sounds a warning call to all that disabled youth may not be welcome in charter schools. The cost factor does not even take into consideration the idea that the mission or unique goals of the charter school's program may not be readily accessible to disabled students. For example, if a charter school's unique educational mission was to provide its educational program via a rigorous outdoor education curriculum with activities like orienteering, how does the charter school make its programs equally accessible to certain disabled students? The law states that they must; yet to do so may keep that program out of the charter school arena, as it would be cost-prohibitive to modify the environment to allow a free, appropriate, public education (FAPE) for severely disabled students. In situations like these, parents tend to be persuaded that the program is not suitable for the child, when in fact, they mean that the child is not suitable for the program. Charter schools must be regulated to ensure that open enrollment is offered to all students and that admission procedures are fair and welcoming to all children. Charter school principals inevitably will say that they do accept all children who apply to their school; however, in practice, what is the real truth? To be fair, many charter schools specifically target special education students. A national study conducted by RPP International identified 15 schools with an enrollment that was more than 25 percent students with disabilities

and two schools with 100 percent (RPP International & University of Minnesota, 1997 cited in Riley, Maguire, & Conaty, 1998). The study also found that charter schools in two states, Minnesota and Wisconsin, had enrollments of students with disabilities (18.5 and 12.2 percent respectively) that were higher than both the national rate and their own public school rates. Another University of Minnesota study found that approximately 25 percent of the nearly 2,000 students enrolled in charter schools in Minnesota (in 1997) had active IEP's, which was 10 percentage points higher than for the host districts (Center for Applied Research and Educational Improvement, 1997 cited in Riley, Maguire, & Conaty, 1998).

Two different perspectives have been presented: 1) There is concern that some charter schools may discriminate in admitting students requiring special education services. There is also concern that some charter schools may not be providing appropriate services to students who are entitled to those services under IDEA or Section 504. Possible reasons why these children may be excluded or deprived of services may include financial burden on the charter school, the principal's lack of information about serving special needs children, lack of resources and/or qualified staff, or other rationale. 2) There are a number of charter schools that specifically target special education students. It can be fairly assumed that they do not generally discriminate against accepting special education students, however, it cannot be assumed that discrimination does not exist against recruiting and accepting certain categories of disabilities.

This study attempts to address charter school principals and assess how they provide for and address the special educational needs of their students. While this

research is not attempting to weed out particular principals who are in violation of IDEA, Section 504, and IDEA, it is attempting to bring this concern to the forefront. It is imperative to know how special education is being provided in charter schools to better regulate provision of services in the increasingly growing number of charter schools nationwide.

Brief History

There are inherent struggles for charter school principals in general. As it is mandated that special needs' students are educated and provided services in these charter schools, principals face difficulties in interpreting and complying with the federal law. While providing all children with a free, appropriate public education is every child's right, charter schools generally have the right to operate their schools in innovative and creative ways, exempt from most regulations imposed on regular public schools. These two ideals don't always go hand in hand in that charters are generally free from most bureaucratic tangles and Special Education is an area that is extremely well-regulated. A child entering a school with an Individualized Education Plan (IEP) may be afforded more careful treatment due to the complexities associated with serving that child. As a result, many charter school principals (who may be new to the business of running a school – particularly a public school) are hesitant to accept a child with disabilities for fear of the financial implications. It may or may not be understood by principals that all children must be given the opportunity to enroll, regardless of the child's disability or that charter's inability to accommodate them.

The number of concerns about charter schools' treatment of special education children may include the denial or delay of services to students whose parents did not indicate an existing IEP for their child, the exclusion of a child from enrollment or counseling a parent away from applying to the school, ignorance of the federal and/or state law, confusion about what the state statute provides regarding special education implementation and reporting, and questions on where to turn for assistance in matters regarding special education.

Charters that have more students applying to their school than they are able to accommodate generally hold a lottery for the available spaces. Special needs' students' applications to the school may be quietly weeded out, while parents are told that their child simply did not "win" the enrollment lottery. While many schools hold the lottery publicly, most schools do this privately, which may allow an opportunity for special needs children to be weeded out. This practice would be considered discriminatory and would violate the rights of disabled students, but charter schools are generally given significant freedom and are held to the honor system regarding student enrollment. Charter school principals may plead that they are unable to provide services to a child because the parent did not indicate that their child had an IEP when they applied for admission to the charter school. Charter school principals may have difficulty locating qualified staff on short notice to provide services, if a significant number of parents excluded information about their child's existing IEP. This omission may prevent discrimination in enrollment, while also severely limiting the charter school's anticipation of how many special education students it will serve. Charter schools,

however, may not deny services based on a parent's omission of a child's IEP status on the application.

Charter school principals may not be not fully aware of special education mandates as outlined in IDEA and Section 504 of the Rehabilitation Act or the charter school's obligation to comply with these laws. Charter school principals may rely on the district or a case manager, but may be generally unaware of what their obligations are. Other charter school principals may misinterpret the autonomy that charter schools are allowed as freedom from IDEA and Section 504. A charter school principal may contact the district and attempt to have a special needs child removed from their school for transfer to a "special education" school, only to be told that this is not the procedure for placement. Ignorance of the law is not an excuse, and charter school principals must understand their obligations to federal and state law and how this translates to serving special education students.

In studying the thirty-seven sets of charter legislation, it may appear that little or no thought is given to special education and how it is to be funded and provided within charter schools. Depending on the state legislation being studied, there tends to be a very gray line regarding how special education will be provided, who will provide it, the credentials of the staff who will provide the services, where to physically provide services, if the services will be funded if they are contracted to an outside provider, who funds transportation, and what a charter school's specific obligations are in all matters regarding special education, related services, and services to the family. Some state statutes provide a blanket statement simply stating that charters should follow the IDEA

and Section 504 of the Rehabilitation Act; however, this is overwhelmingly insufficient. At the very least, charter legislation could provide an organizational chart to help charter school principals determine who to turn to for answers.

Charter school principals may be unsure to whom they can go for answers. A charter school principal may have a concern with hiring a teacher who is not certified in special education to provide services. Possibly, in calling the district, the state, and the U.S. Department of Education, three very different answers may be given only to be changed various times by different people in different offices. Charter school principals may simply hire the non-certified teacher in order to have someone provide services (as opposed to having no one) and keeping their fingers crossed that no penalties would be administered. This is a very vague area in many states' legislation and it is increasingly evident that districts, state boards of education, and even the U.S. Department of Education are unclear on how charters fit into the special education legal maze.

Significance of the Study

This study is an attempt to gauge the true practices regarding special education and their related services in our nation's charter schools. A sampling of charter school principals across the country will be asked to complete an anonymous survey via the World Wide Web regarding their handling of special education within their schools. Questions regarding their opinions and actual practices will be posed in an attempt to truly identify how well charter school principals are aware of their responsibilities under the IDEA and Section 504, if and how they implement special education, and how it affects their school. The anonymity of the survey return will hopefully provide an honest

look at where charter school principals are deficient and efficient in providing for special needs students, their understanding of charter law and special education law, the number of special education students they are currently serving, and their disabilities, and their opinions on various issues pertaining to charter schools and special education.

The results of the study will assist policymakers in assessing how well special education students are being served in charter schools and how to implement policy that will complement current legislation while also assuring that special needs students are being served. The survey results will also assist potential charter school operators, principals, and charter-granting entities in identifying areas that need attention when establishing a charter school.

Contribution to Practice

The results of this survey will be shared with interested charter school principals, policymakers, state and national charter resource centers, researchers, and special education advocates. Since the survey is anonymous, it is impossible to reveal any identities, which hopes to provide an honest glimpse of what really goes on in charter schools regarding special needs students. While this researcher found no solid data supporting that an anonymous survey return will yield different results than a confidential survey return, it is an additional feature in hoping to provide more candid feedback.

Since the charter school movement is growing tremendously each year, it is expected that all states will eventually have some form of charter school legislation. Thirty-eight states and territories currently have legislation, and states without legislation are establishing resource centers in efforts to educate lawmakers about the benefits of

charter schools. Charter schools may be a key to school reform and may serve as models for effective programs with high student achievement.

Depending upon one's perception of the charter school movement, there are two ways to define the various sets of charter legislation. Charter school advocates view strong charter legislation as law that permits a high number of charters, little imposition of state regulations, and no union involvement; advocates view weak charter legislation as a law that permits a restricted number of charters in the state, does not exempt the charter from many regulations, and unions may be involved in negotiations and approval of granting a charter. Charter school opponents view strong and weak charter legislation in the opposite manner, viewing weak charter legislation as a law that permits many charters and is exempt from many state regulations and strong charter law as imposing the same restrictions that public schools are held to and putting a cap on the number of charters permitted. States that pass legislation tend to model their legislation after that of states with existing charter legislation (Nathan, 1996). Since not all states have legislation that is strong (according to charter advocates), it is probable that a state considering drafting charter law may choose to model their law after that of a weak charter law (as considered by charter advocates) in another state. This certainly impacts special education, particularly if poorly detailed charter legislation fails to address special education.

Some laws are strong regarding special education stating the exact expectations which charter schools must meet and how they should comply with the federal mandates; these laws should serve as models. The survey results hopefully will allow lawmakers

and practitioners, as well as future charter school principals, to understand the state of special education within charter schools. This can only help to clarify the how's, who's, and what's of implementing effective special education practices in charter schools.

Limitations of the Study

Limitations of the study include the web-based survey method, which may limit the pool of respondents. While it may be more bias-free to send surveys to all charter school principals via the postal mail, this author wishes to administer the survey via the World Wide Web to provide anonymity, not merely confidentiality. It is felt that anonymity will truly coax out honest, open, and useful answers to lawmakers, boards of education, the charter school community and special education advocates.

Confidentiality may not provide sufficient assurance to arrive at the candid responses this author hopes to extract. The pool of respondents will be limited in that not all charter school principals may have access to e-mail or the Internet. The sample was randomly selected, then it was determined whether each subject had an electronic mail address or not. Those that did not were removed from the sample.

These factors do limit the study but they are acceptable limitations in the interest of anonymity. In closing, the research question that this work will address is:

“What is the current state of special education in our nation’s charter schools?”

with four sub-questions of:

- 1a) What criteria of effective schools do charter schools fulfill?
- 1b) To what extent is special education implemented in charter schools?
- 1c) What special education services are being provided in charter schools?

1d) What related services are being provided in charter schools?

CHAPTER II

REVIEW OF THE LITERATURE

This chapter will highlight research and various reports and contributions that have helped to form the growing body of data on charter schools.

Charter schools are a new species of school, a hybrid, with important similarities to traditional public schools, some of the attributes of private schools – and crucial differences from both. A workable starting definition is that a charter school is an “independent public school of choice, freed from rules but accountable for results” (Finn, Stuenkel, and Vannest, 2000, p. 14). As a public school, a charter school is open to all who wish to attend it (i.e., without regard to race, religion, or academic ability); paid for with tax dollars (no tuition charges); and accountable for results – indeed, for its very existence – to an authoritative public body (such as a state or local board of education) as those who enroll (and teach) in it.

Charter schools are also different from traditional public schools in that they can be distinguished by five key features:

- They can be entered by choice of parents.
- They are exempt from most state and local regulations that govern traditional public schools.
- They are autonomous in their operations.
- They are attended by youngsters from the local community.

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REVIEW OF THE LITERATURE

This chapter will highlight research and various reports and contributions that have helped to form the growing body of data on charter schools.

Charter schools are a new species of school, a hybrid, with important similarities to traditional public schools, some of the attributes of private schools – and crucial differences from both. A workable starting definition is that a charter school is an “independent public school of choice, freed from rules but accountable for results” (Finn, Manno, and Vanourek, 2000, p. 14). As a public school, a charter school is open to all who wish to attend it (i.e., without regard to race, religion, or academic ability); paid for with tax dollars (no tuition charges); and accountable for results – indeed, for its very existence – to an authoritative public body (such as a state or local school board) as well as those who enroll (and teach) in it.

Charter schools are also different from standard-issue public schools. Most can be distinguished by five key features:

- They can be created by almost anyone.
- They are exempt from most state and local regulations, essentially autonomous in their operations.
- They are attended by youngsters whose families choose them.

- They are staffed by educators who are also there by choice.
- They are liable to be closed for not producing satisfactory results.

Charter schools also resemble private schools in two important particulars. First, they are independent...Second, like private schools, charter schools are schools of choice (Finn, et al., 2000, p. 15).

Due to the infancy of the charter movement, there is limited reliable research in the area of charter schools. As stated earlier, the U.S. Department of Education has commissioned or conducted various studies, beginning in 1997 with their first published report, "The State of Charter Schools." This research began, however, seven years after the first charter law was passed. Little substantive and objective data exists in the early years of the charter movement. Additionally, while one study states that charter schools serve a less proportionate amount of minorities, another study states that minorities are primarily served in charter schools. There is a need for a uniform method of gathering information on what is happening in our nation's charter schools. This chapter reviews pertinent research findings of the charter schools that are generally reliable. The United States Department of Education has conducted various studies, as have reform watchdog groups, like the US Charter Schools and The Center for Education Reform. One may suspect that these reform groups may not produce objective research, but their contributions to an overall better understanding of charter schools have been significant.

Charters are a relatively new reform movement that is only nine years old. Most of the objective research has been gathered by the U.S. Department of Education, which has commissioned various research groups to gather data. The research delves into a number of areas, and yet it is important to remember that with the existence of 37 sets of

charter legislation, it is difficult to compare a charter school in one state with a charter in another state and determine that a successful charter school in one state will work in other states. The state where the successful charter school is located may experience success due to the unique set of laws and provisions existing in that state. In researching the thousands of schools and the 37 charter laws, there are myriad differences in what is permissible and what is mandated. Even to compare effectiveness of charter schools in the various states is a problem since there are many ways that schools are expected to show results. If a school in Illinois is mandated to take the Iowa Test of Basic Skills and a school in California is mandated to take the California Achievement Test to measure achievement, it may be difficult to compare the scores of these two tests. While it is possible to compare grade equivalency scores between the two tests, it is important to remember that these scores were achieved by very different tests. The foremost problem holds for American education generally: public schools across the country neither use the same tests for measuring student achievement nor administer their tests to the same grades on the same testing schedule. Thus, test results generally cannot be compared – in a definitive fashion – across all public schools or all charter schools (Nelson, Berman, Ericson, Kamprath, Perry, Silverman, & Solomon, 1998). However, with these considerations in mind, it is critical to attempt to evaluate these charter schools and be able to investigate their effectiveness in serving their students.

The Charter School Movement

The charter school concept is unique. It is not the same as a voucher system, the magnet school concept, privatization of public schools, school site management, or a system of rewards and consequences that must try to operate within all the traditional

rules for public schools (Nathan, 1996, p. 11). Charters were developed in an effort to pioneer true reform for the public schools in the United States. The charter school movement is one part of a more than two-hundred-year push in the United States for expanded educational opportunity. It complements the efforts to expand voting rights, to earn a fair wage, to gain respect (Nathan, 1996, p. 55). It is in the spirit of this country that charter schools were suggested and created. If something is not working well, we as a nation promote the fostering of competition and alternatives and allow the best program to come to fruition. If success is judged by parents and students voting with their feet, charter schools are in demand (National Study of Charter Schools, 1998, p. 82).

Charter schools were not created due to the public's overwhelming satisfaction with public schools. According to Forstmann, 90% of children currently receive an education – or what passes for one – from the government. There is a word for a system that can command, indeed enforce, a 90% market share: monopoly (Forstmann, 1999, p.A16). Monopolies invariably produce bad products at high prices, and the remedy in the U.S. has always been to encourage competition. Competition busts monopolies and triggers change. It does this by changing the system of incentives and rewards (Manno, Finn, and Vanourek, 2000, p. 740). While the issue of whether the public school system is a monopoly or not is not the main concern, it is fair to say that parents may have felt helpless when confronted with a less-than-satisfactory public school to which they are expected to send their child. Charter schools are simply one part of a reform wave that has presented parents with public school choice – choice that may or may not be “better” than the regular public school, but nonetheless, an alternative if the traditional school does not satisfy the parent or suit the child's needs.

Parents and legislators have expressed general dissatisfaction with the public school system since the former Soviet Union launched Sputnik in 1957. If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it stands, we have allowed this to happen to ourselves. We have even squandered the gains in student achievement made in the wake of the Sputnik challenge. Moreover, we have dismantled essential support systems, which helped make those gains possible (A Nation at Risk, 1983, p. 1). Currently, the United States spends approximately \$285 billion educating its youth (The Uncommon Classroom, 1993), yet we continually fall behind other countries in reading, math, and science scores. Unions and state boards of education may insist that our schools have improved and that our children are faring better than ever. One reason parents and other community members often felt positively about their local schools is that local school board members, teachers, and administrators were regularly announcing that the schools were doing the best job possible. At local, state, and national levels, many key union officials have devoted enormous time and energy to convincing the public and the business community that schools are achieving as much as they can with the available resources (Nathan, 1996, p. 117). A press release about a large urban district boasts that ninety-three of the 115 schools on academic probation posted increases in reading scores. In math, 92 schools reported gains in test scores. Twenty-five schools are eligible for removal from probation because they exceeded 20 percent in reading. Sixty-two of the probation schools posted test scores in reading above 15 percent (CPS Communications Office, 1998, p. 1). These low scores are seen as a marked improvement over their prior scores. Furthermore, it is alarming to

note that $\frac{1}{4}$ of all the schools in this particular district are on probation. If those schools were charter schools, they would have been closed and the children would have been sent to better-performing schools.

According to the Sixth Phi Delta Kappa Poll of Teacher's Attitudes Toward Public Schools, only 2% of the public and only 2% of the teachers surveyed agree that the public schools as a whole deserve a grade of "A". Overall, both the teachers and the public agreed that public schools deserved a grade of "C", with 47% of the teachers and 46% of the public designating "C" as the grade earned overall by public schools. A total of 1% of the teachers and 4% of the public felt that public schools failed at providing an education (Langdon and Vesper, 2000). While this percentage may seem small, when tabulated by the number of teachers, public school parents, and community members there are in the country, this represents a significantly large group of people highly dissatisfied with the state of education in this country. This growing body of dissatisfied parents and teachers are making a difference. Enter charter schools in 1991, a seedling reform that grew into a robust tree, then a whole grove. The trees are still young, and the grove attracts its share of lightning strikes (Finn, et al., 2000, p. 14) but it's a reform that is making a strong showing in academic success and increased teacher, parent, student, and community satisfaction. When (teachers were) asked why they chose (to work in) a charter school, their most frequent response was "freedom to teach the way I want" (Manno, Finn, & Vanourek, 2000, p. 738).

One area that continues to concern many parents, teachers, and disability groups is the issue of special education in these highly autonomous schools. The goals that charter schools set for their students may be difficult to achieve for some students with

disabilities, and the continued existence of a charter school may depend on its ability to produce the academic results outlined in its goals or mission statement. Despite the challenges in achieving accountability goals for all students, including those with disabilities, none of the state charter school statutes addresses accountability standards in relation to students with disabilities (Review of Charter School Legislation Provisions Related to Students with Disabilities, 1998, p. 11). With the existence of some charter schools that specifically cater to the students with disabilities, there is still little known about how the states where these charter schools are located assess the effectiveness of these schools. To base accountability on standardized tests like the Iowa Test of Basic Skills or the Stanford 9 does not take into account a child's specific IEP goals. No study to date has specifically addressed how these schools are held accountable within the charter school accountability framework; what is known is that students with disabilities are expected to take the standardized tests.

In reviewing charter school legislation, some charter school laws specifically address students with disabilities; others do not. Some include general statements that call for schools to obey federal and state special education and anti-discrimination rules (Schnaiberg, 1997, p. 1). In studying the charter legislation of all states and the District of Columbia with current charter legislation, ten of the thirty-seven sets of charter legislation in the country make no mention at all regarding how special populations must be served. Other sets of legislations offer vague provisions that charters should adhere to "necessary federal mandates."

Children with disabilities are covered by several major federal laws, including the Individuals with Disabilities Education Act of 1997, which calls for students to receive a

“free, appropriate, public education” tailored to their individual needs; the Americans with Disabilities Act of 1990; and Section 504 of the Rehabilitation Act of 1973. In addition, states have their own requirements for special education and school funding, most of which were on the books long before charter schools ever opened their doors. The intersection of all these rules can make for confusion (Schnaiberg, 1997, p. 2).

Although a significant advantage of charter schools is their freedom to operate without the burden of certain regulations, “no state can offer charter schools an exemption from any special education law or regulations” (NASDSE, 1997, p. 1). This tends to create a philosophical mismatch between two educational concepts, one being a deregulated area and one being an over-regulated area. Nonetheless, charter school principals attempt to muddle through and try to provide the best special education program possible. In examining publications from the United States Department of Education and published reports from other sources, there is a great disparity in the statistics reported on charter schools. One report states that “only 3% of charter school students (are disabled), compared to 9% in district schools” (Gresham, Hess, Maranto, and Milliman, 2000, p. 755) while another states that “25% of charter school students are in special education, compared to 15% in traditional public schools” (Keegan, 1997, p.3). This is a huge disparity and is only one example of conflicting statistics found in current research on this topic. It is interesting to note that the oft-cited 12 percent estimate of special education students actually includes all disabled persons between birth and age twenty-one. Ten percent more closely mirrors the in-school population of disabled youngsters within the traditional school age group (Finn, Manno, and Bierlein, 1996, p. 57).

The confusion in the varying percentages of identified special education students only hints at the confusion that is occurring in the identification and service to special education youngsters in all of our schools, particularly charter schools.

The Philosophy of Charter Schools

The idea of a charter school was first conceived in the late 1980's. The term "charter" comes from the contracts given to European explorers, which specified expectations and responsibilities of both the explorer and his sponsors (Nathan, 1996, p. xiv). Ray Budde first conceived of the notion of chartering public schools in the 1980's, responding to the public's continuing dissatisfaction with public education. In the late 1980's the idea took shape and was introduced to the Minnesota legislature in 1989. The term "charter school" was officially coined by Al Shanker in the late 1980's, referring to new innovative schools. While Shanker was president of the American Federation of Teachers (AFT), a group that now opposes charter schools, Shanker saw charter schools as avenues for teachers to create schools that would improve all public schools in the United States by way of a "ripple effect." "Shanker liked Budde's idea of giving teachers a chance to create innovative programs – and extended it to include entire new schools. Shanker suggested that both the school board and the majority of teachers working in a school be required to approve these new schools. Shanker knew that some AFT members were frustrated by district bureaucracy. On March 31, 1988, Shanker made a speech at the National Press Club in Washington endorsing the charter idea. Shanker then urged the AFT to endorse the charter school idea, which it did at its 1988 annual convention" (Nathan, 1996, p. 63). By 1991, a new version of Shanker's original charter notion took root in Minnesota, placing more emphasis on deregulation, public school choice, and the

creation of entire schools. The charter school movement was born in Minnesota when state "charter" legislation was finally passed in 1991. The first charter school in the United States is City Academy, located in St. Paul, Minnesota; it opened its doors in September, 1992 (Nathan, 1996).

As success stories grew and public support for choice programs increased, some Minnesotans felt that the existing laws gave families more choice, but not enough choices. In 1997, Minnesota amended the law, allowing universities to sponsor charters as well as lifting the cap on the number of charters permitted. Minnesota opened the floodgates of school reform and broke ground on this nation's most exciting educational reform movement. In 1992, California adopted a charter school law, and the other 35 states and D.C. followed suit over the course of the next eight years (Nathan, 1996).

Current States with Charter Legislation

There are currently 37 sets of active charter legislation in the United States from 36 states and the District of Columbia. The states with current legislation are listed chronologically by the year that they adopted charter school law. They are: Minnesota (1991), California (1992), Colorado (1993), Georgia (1993), Massachusetts (1993), Michigan (1993), New Mexico (1993), Wisconsin (1993), Arizona (1994), Kansas (1994), Hawaii (1994), Alaska (1995), Arkansas (1995), Delaware (1995), Louisiana (1995), New Hampshire (1995), Rhode Island (1995), Texas (1995), Wyoming (1995), Connecticut (1996), Washington, D.C. (1996), Florida (1996), Illinois (1996), New Jersey (1996), North Carolina (1996), South Carolina (1996), Mississippi (1997), Nevada (1997), Ohio (1997), Pennsylvania (1997), Idaho (1998), Missouri (1998), New York (1998), Utah (1998), Virginia (1998), Oklahoma (1999) and Oregon (1999).

Who Attends Charter Schools?

There was concern that a creaming effect would take place in charter schools creating an elite, mostly white, upper class enclave. To the surprise and delight of school choice advocates, charter schools initially tended to reflect the proportions that were represented in the local public schools where the charters were located. According to the U.S. Department of Education's "The State of Charter Schools 2000", charter schools were more likely than all public schools to serve black students (almost 24 percent versus 17 percent) and Hispanic students (21 percent versus 18 percent) (Nelson, B., Berman, P., Ericson, J., Kamprath, N., Perry, R., Silverman, D., & Solomon, D., 2000, p. 30).

As Figure IIa depicts, while white students are the largest population in charter schools as well as "regular" public schools, more white children attended non-charter public schools than attended public charter schools. Conversely, a higher percentage of black students attended charter schools than regular public schools. The same is true of Hispanic students. More whites, Asians, and Native American Indian students attended regular public schools than charters, however, there is a representation of these groups in the charter schools.

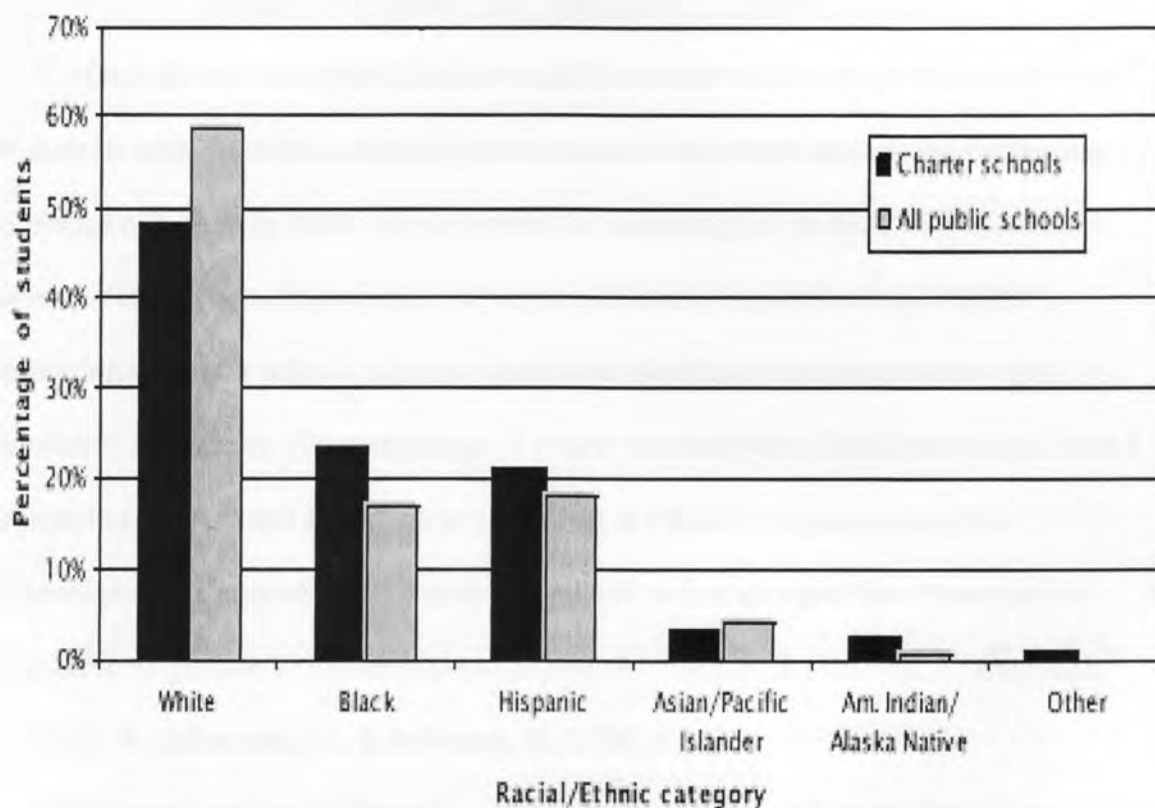
Charter schools nationwide also tend to serve higher proportionate percentages of economically disadvantaged students. This figure is tabulated by the number of children who qualify for a free or reduced-price lunch that attend charter and non-charter public schools nationwide. Each state varies significantly in these percentages such as Alaska's charter schools with a population of 4.3% of their students categorized as economically disadvantaged compared to 25.7% in all Alaska public schools and South Carolina's charter schools serving a population of 94.5% of their students categorized as

economically disadvantaged compared to 46.2% in all South Carolina public schools.

Overall averages across the nation do indicate that charter schools are serving large percentages of children of low socioeconomic status (Nelson, B., Berman, P., Ericson, J., Kamprath, N., Perry, R., Silverman, D., & Solomon, D., 2000).

Table 2

Racial/Ethnic percentage of students in charter and public schools



(Nelson, B., Berman, P., Ericson, J., Kamprath, N., Perry, R., Silverman, D., & Solomon, D., 2000, p.31)

As we study the trend of charter schools, we see that as the numbers of charter schools grow, they tend to appeal to economically disadvantaged children and minority youth. This is the exact opposite audience that charter school proponents anticipated

would populate these schools. The creaming effect did not take place; we see poor, minority children finally being able to make choices regarding educational opportunities. Critics insist that many low-income families and families with limited English do not know how to select among schools. This is not the first time that opponents of reform have argued that certain groups do not know how to make educated decisions. The same argument was used against woman's suffrage and against civil rights (Nathan, 1996).

Presence of Children with Disabilities in Charter Schools

Over the last three years, charter schools have served a slightly lower proportion of students with disabilities than all public schools in the charter states, and the finding continued to be true in 2000. Across states, the percentage of students with disabilities served by charter schools continued to vary significantly, in part because a higher proportion of charter schools in some states were specifically designed to serve this population of students. The percentage of charter students with disabilities ranged from 5 percent in Delaware and Louisiana to 18 percent in Florida. In comparison, the percentage of students with disabilities in all public schools ranged from 9 percent in Arizona to 16 percent in Massachusetts (Nelson, B., Berman, P., Ericson, J., Kamprath, N., Perry, R., Silverman, D., & Solomon, D., 2000, p. 36).

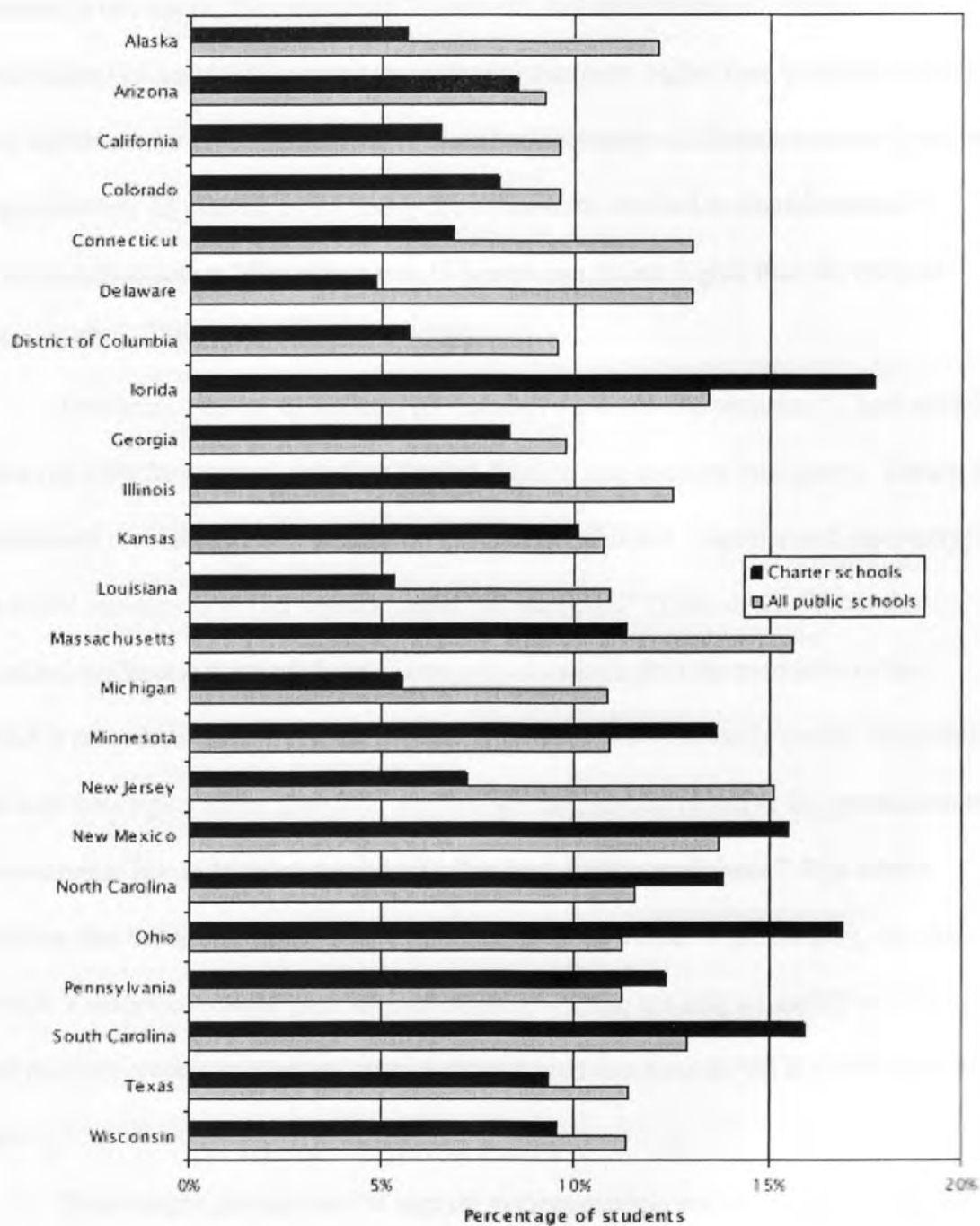
It is sometimes hard to determine whether a charter school's lower special education placement rate reflects an educational success story or a failure to admit and serve students who need special education (Hubley and Genys, 1998). While children with disabilities are present in charter schools, it is unclear if they are represented accurately.

Performance of Children with Disabilities Attending Charter Schools

Current data suggests that charter schools are serving students with disabilities. How that service is provided is sometimes ambiguous, but these children are present in the charter schools. The question in this research is how well children with disabilities are actually being served appropriately in charter schools. According to the United States Office of Educational Research and Improvement in their 1998 research report, "Charter Schools and Students with Disabilities: Review of Existing Data", "The implications for students with disabilities of different school histories and different instructional models is not known" (p. 9). McLaughlin, Henderson, & Ullah report that: "Research on students with disabilities in charter schools has been called "sparse" (McLaughlin, Henderson, & Ullah, 1996, cited in Dale, 1999). This data is not encouraging. According to Finn, Manno, and Bierlein in their 1996 report, "Charter Schools in Action – What Have We Learned?", a significant number of families with disabled youngsters are displeased with special education as practiced by regular schools operating under the yoke of federal and state regulation. It cannot be assumed, however, that special education as practiced by charter schools is more acceptable to families of disabled children.

Finn, Manno, and Bierlein further state that "special education [along with closely affiliated civil rights provisions] is the domain in which charter schools have the least freedom and are most obliged to behave like regular schools. Yet some do not, primarily because of [disabled youngsters'] parents' preferences. Most importantly, rather than excluding students with disabilities, many charter schools specifically target these students. The National Study identified 15 schools with an enrollment that was more

Table 3

Students with disabilities in charter schools and all public schools by state

(Nelson, B., Berman, P., Ericson, J., Kamprath, N., Perry, R., Silverman, D., & Solomon, D., 2000)

than 25 percent students with disabilities and two schools with 100 percent (RPP International & University of Minnesota, 1997). The study also found that charter schools in two states, Minnesota and Wisconsin, had enrollments of students with disabilities (18.5 and 12.2 percent respectively) that were higher than both the national rate and their own public school rates. Another University of Minnesota study found that approximately 25 percent of the nearly 2,000 students enrolled in charter schools in Minnesota had active IEPs, which was 10 percentage points higher than for the host districts (Riley, McGuire, & Contay, 1998).

One school offers all students its “inclusive educational program.” There are no tracks or IEPs for anyone, including limited-English and disabled youngsters. During the enrollment process, staff members meet parents and children [together and separately] for an initial assessment of the “special needs” of each child” (Finn, et al., 1996). For disabled students that attend these charter schools which skirt the mandates of the IDEA’s procedural guidelines, the parents of students who ordinarily qualify for an IEP are told their rights under state law. Parents are then invited to waive the preparation of a conventional IEP in favor of the school’s “student service agreement.” This school believes that the special education label undermines its inclusive philosophy, one that “yields a unique education plan for each student.” There are only a handful of schools that publicly profess to handling special education in this manner, yet it is important to note.

Surprisingly, parents tend to sign on to these schools and are generally pleased with the progress of their children as is evidenced in Finn, Manno, and Vanourek’s surveys. In the Table 4, one can see the parent’s appraisal of charter schools compared to

their previous school, which was typically stated as a regular public school. The percentage relates to the number of parents who felt that their child was faring “excellent, above average, average, below average, or poor” in their currently attended charter school and in their previous school. The first half of the table represents the views of parents of all students. The second half of the table represents the views of parents of special education students, or students who would otherwise qualify as special education

Table 4

Parental Rating of Child's Overall Performance

	Previous School	Current Charter School	Change
Total			
Excellent	14.0%	24.5%	+10.5%
Above Average	20.0%	32.2%	+12.2%
Average	27.0%	30.3%	+3.3%
Below Average	12.0%	4.0%	-8.0%
Poor	5.3%	0.6%	-4.7%
Special Ed.			
Excellent	5.9%	11.0%	+5.1%
Above Average	10.6%	26.8%	+16.2%
Average	36.8%	48.6%	+11.8%
Below Average	32.2%	11.8%	-20.4%
Poor	14.5%	1.8%	-12.7%

(Vanourek, Manno, Finn, Bierlein, 1997)

A significant number of families with disabled youngsters are displeased with the education as provided by regular schools operating under the yoke of federal and state regulation. “For various reasons [and they truly vary], that approach was not working for their sons and daughters. Hence they, too, want something different, and for hundreds of them charter schools offer an attractive alternative. Of course, a true alternative should

be truly different, which will not be true of charter schools if they are forced to jump through all the same special ed hoops as regular schools" (Finn, Manno, Bierlein, 1996).

There is plenty of research touting the benefits of parental involvement in a child's school and education. Parent involvement should involve more than seeing a parent at dismissal time or meeting annually for a fifteen-minute parent-teacher conference. Some teachers ask parents to read to their children and listen to their children read; to drill their children on mathematics and spelling; or to help with other homework. Some teachers invite parents to sit in on their classes to see how their children are being taught. Such experience can give parents ideas for teaching children at home (U.S. Department of Education, 1986, 1987; Walberg, 1984 cited in Davis and Thomas, 1989). Many reform plans, the South Carolina state plan (T. Peterson, 1988 cited in Davis and Thomas, 1989) for example, include parent involvement.

Many successful schools work to involve families in their schools. They found that parents will come because their children are succeeding and because they see a school community working in new ways to support their children. Parents are not just expected to monitor homework; instead they are involved in making many of the tough decisions about the use of school resources, school curriculum, and about schedules (Allington and Cunningham, 1996).

An interesting situation therefore emerges: by law, charter schools must handle special education as regular schools do, but in practice, what makes charter schools appealing to many disabled youngsters and their parents is precisely that the schools do approach these matters differently, and parents [with rare exceptions] do not complain or threaten litigation. Therefore, absent complaints from the "customers," federal and state

enforcers have not, to the best of our knowledge, sought to harass charter schools into conformity, although by law they probably could" (Finn, et al., 1996).

"The greatest source of such dissatisfaction is that conventional special education singles out certain students for "different" treatment, labels them, seems to expect less from them, and yet fails to deliver the kinds of sustained, personalized, caring attention the children crave [or at least that parents crave for their children]. Sometimes what draws people to the charter school are the high standards for everyone, rather than double standards for the disabled" (Finn, et al., 1996).

As reported in Charter Schools in Action Project Final Report, Part VI. How Are Charter Schools Different? Lessons and Implications, parents are the group that is most content with the performance of their special needs children at charter schools. "After switching to a charter school, parents of special-ed youngsters reported a 21 percent increase in children performing at 'excellent' and 'above-average' levels and a 3 percent decrease in children in the 'below average' and 'poor' categories (Manno, Finn, Bierlein, & Vanourek, 1997).

Legislation: State-by-State Charter Law Overview and Comparison

Each state devised their own unique charter laws, tending to reference existing charter legislation from other states for guidance regarding content and provisions (Dale, 1999). In effect, there are 38 different laws permitting charter schools in the United States. While 37 states and the District of Columbia have existing legislation and operating charter schools, the states of Wyoming and New Hampshire have existing charter legislation but do not have any charter schools operating (Allen, 2000). Each state's legislation is different than the others.

Classifying and comparing the provisions of charter school laws presents many challenges since statutes vary widely in terms of breadth and legal and policy matters addressed (Jennings, Premack, Adelman, and Solomon, 1998). To specifically identify the existence of special education provisions in each state's legislation, a state-by-state breakdown of what exactly is specified in each law in regard to students with disabilities is listed here. The information provided might appear sparse, yet it represents the scant amount of attention afforded students with disabilities in the various sets of charter legislation.

Ten of the thirty-seven laws make no mention at all about serving students with disabilities. These states are Alaska, Arkansas, Georgia, Hawaii, Kansas, Mississippi, New Mexico, Utah, Virginia, and Wyoming.

Rhode Island's law does not discuss students with disabilities, except to say that charter schools must include students with disabilities.

Two states' laws simply state that charter schools may not discriminate in admission or deny participation on the basis of any disability. These states are Wisconsin and Florida.

Idaho's law simply states that students with disabilities will be served according to the IDEA. The District of Columbia specifies the same as listed in Idaho's law but also mentions compliance with Section 504.

Two states' laws simply state that charter schools are entitled to funds for students with disabilities. These include California and Colorado.

Four states' laws state that charter schools may not discriminate against students with disabilities in admissions and briefly addresses funding of these special education services. These states include South Carolina, Pennsylvania, New Jersey, and Illinois.

Five states' laws state that charter schools are subject to federal and state laws and rules regarding students with disabilities that govern public schools. These states are Texas, Ohio, Missouri, Minnesota, and Arizona.

Louisiana's law states that charter schools are subject to federal and state laws and rules regarding students with disabilities that govern public schools and discusses funding issues regarding disabled children. To further confuse the issue, Louisiana has legislation permitting four different types of charters – thus four different sets of legislation. Texas also has two sets of charter legislation.

North Carolina's law simply states that the State Board will develop policies with which charter schools must comply. Connecticut's law is equally ambiguous but states that the district and charter representatives, not the state board, will develop policies.

Nevada's charter law states that if a charter school is unable to meet the needs of students with disabilities, the student may be transferred out of the school.

New Hampshire state law states that the "charter contract must specify the school's method of coordinating with a pupil's local education agency responsible for matters pertaining to any required programs or services for students with disabilities including method of compliance with all federal and state laws" (Jennings, Premack, Adelman, & Solomon, 1998). Delaware's law mirrors New Hampshire's law as above

but also mandates that charter schools must provide strategies on how they will accommodate students with disabilities.

Michigan's charter law also forbids discrimination on basis of disability and assures rights of these students. The law in Michigan, however, also states that charter schools may not limit their enrollments to only allow students with "handicaps."

Massachusetts' charter law states that charter schools must accept children with disabilities and specifically states that fiscal responsibility for private day or residential schooling falls on the district where the charter school is located.

Additionally, while no law provides sufficient guidance to charter school principals, there appears to be little support from charter-granting agencies or state and federal entities on how to provide special education services within charter schools. For example, the U.S. Department of Education, the Education Commission of the States, the National Conference of State Legislatures, the Office of Educational Research and Improvement, and the National Institute on Educational Governance, Finance, Policymaking, and Management jointly produced and published the highly-touted guide for charter school developers, planners, and new principals in 1998 entitled, "The Charter School Roadmap." Not one mention is made regarding students with disabilities, how to plan for their attendance in charter schools, how to provide services, where to secure services, and how to comply with federal mandates like IDEA and Section 504. Nothing exists in this "comprehensive" guide to provide support or even planning for this special needs population, which will inevitably attend these new charter schools. Groups like the Charter Friends National Network and the National Association of State Directors of

Special Education however do provide some advice and support, recognizing the inconsistency with reference to special education provisions within charter schools.

Ambiguity in the Law

There are currently three key federal laws pertaining to persons with disabilities. These laws are: the Individuals with Disabilities Act (IDEA) of 1997, the Americans with Disabilities Act (ADA) of 1990, and the Rehabilitation Act of 1973, in particular Section 504. ADA is the largest disability discrimination prohibition law signed by Congress. It ensured equality of opportunity, full participation, independent living, and self-sufficiency to disabled individuals (Turnbull and Turnbull, 2000). ADA applies to schools by way of mandating equal access for disabled persons or organizations that utilize federal funds. It is generally applicable to schools by way of mandated removal of architectural barriers and other physical plant issues. IDEA and Section 504 are generally more applicable to how children with disabilities are served within schools and stipulate how children will be identified, receive services, and be assessed. Together the entitlement laws (accommodations of the person to the non-disability world) and the anti-discrimination laws (accommodations of that world to the person) create an interlocking, two-part accommodation: The person accommodates to the world, and the world accommodates to the person (Turnbull and Turnbull, 2000, p. 52). While these three sets of federal laws are not ambiguous at all, issues of their compliance in the charter schools is very vague. To better understand what federal regulations regarding children with disabilities mandate, a brief history of each is presented.

IDEA

Congress first addressed the issue of educating children with disabilities in 1966, when it amended the Elementary and Secondary Education Act of 1965 (PL 89-750), providing federal grants to the states that would assist them in initiating, expanding, and improving programs and projects for the education of children with disabilities. Four years after its passage, Congress repealed PL 89-750, but passed PL 91-230, a grant program with similar goals. In 1974, Congress passed PL 93-380 in an attempt to provide "full educational opportunities to all children with disabilities" (PL 93-380); this was the Education of the Handicapped Act (EHA). In 1975, Public Law 94-142, the Education for All Handicapped Children Act was signed into law, which greatly strengthened PL 93-380. Congress further amended the EHA in 1978 by PL 95-561, in 1983 by PL 98-199, in 1986 by PL 99-372, in 1986 by PL 99-457, in 1990 by PL 101-476, and most recently, in 1997, by PL 105-17 (Turnbull and Turnbull, 2000, p. 16). PL 101-476 was titled the Individuals with Disabilities Education Act and its amended version, PL 105-17 is known as IDEA 97. Of all the federal special education laws, PL 94-142 and PL 105-17 are the two most significant sets of legislation for schools and the special needs children that attend them.

Section 504 of the Rehabilitation Act

In 1973, Congress amended the Rehabilitation Act and provided in Section 504 of the Amendments, prohibition of disability discrimination. Section 504 provides that no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance [29

USC § 794 (1996), (Turnbull and Turnbull, 2000, p. 40). It is important to note that while a child may be qualified (as disabled) under Section 504 and thus protected from discrimination, that child may not require services under the IDEA, that is he or she may not need special education services.

IDEA and Section 504 Compared

The two current federal legislation mandates that most greatly affect public schools are the IDEA 97 and Section 504 of the Rehabilitation Act. In an effort to distinguish differences and similarities of the two laws and how they affect children with disabilities in the schools, Table 5 offers a comparison.

Table 5

Comparison of IDEA and Section 504

IDEA

Section 504

Sections in italics denote commonalities between IDEA and Section 504.

Definitions

Federal law that ensures adequate and appropriate services for disabled children.

Civil rights law protecting rights of individuals with disabilities.

Identifies all school-age children with disabilities.

Identifies all school-age children as disabled that: 1) has or once had a physical or mental impairment which limits a major life activity; 2) is regarded as disabled by others.

FAPE/ IEP

Requires the provision of a free appropriate public education to eligible students

Requires the provision of a free appropriate public education to eligible students

Requires a written Individual Education Plan stating specific content and

Does not require a written IEP document, but does require a written plan.

requiring a specific number of participants at the IEP.

"Appropriate education" means a program designed to provide "educational benefit". Related services are provided if required for the student to benefit from specialized instruction.

Requires that modifications must be made if necessary to provide access to free appropriate public education.

"Appropriate" means an education comparable to the education provided to Non-disabled students, requiring that reasonable accommodations be made.

Has regulations regarding building and program accessibility, requiring that reasonable accommodations be made.

Eligibility

A student is only eligible to receive services if the multidisciplinary team determines that the student is disabled under one or more specific qualifying conditions and requires specialized instruction to receive an appropriate education.

A student is eligible if they meet the definition of disabled.

Funding

Provides additional funding for eligible students.

Does not provide additional funding for students.

Parental Consent

Requires notice to the parent or guardian regarding identification, evaluation, and/or placement.

Requires notice to the parent or guardian Regarding identification, evaluation, and/or placement.

Requires written notice.

Does not require written notice; verbal notice will suffice.

Requires written notice prior to any change in placement.

Requires notice only before a "significant change" in placement.

Evaluation

A full comprehensive evaluation is required, assessing all areas related to suspected disability. The child is evaluated by a multidisciplinary team.

Requires informed consent before an initial evaluation is conducted.

Requires re-evaluations to be conducted every three years.

Re-evaluation is required before a significant change in placement.

Provides for independent educational evaluation at district expense if parent disagrees with evaluation obtained by school.

In interpreting evaluation data and making placement decisions, districts must:

- 1) Draw upon all information from a variety of sources;
- 2) Assure that all information is documented;
- 3) Ensure that the eligibility decision is made by people knowledgeable about the student, the evaluation data, and placement options;
- 4) Ensure that the student is educated in the least restrictive environment.

An IEP review meeting is required before any change in placement.

Evaluation gathered from various sources in the area of concern. Decisions made by a group familiar with student, evaluation data gathered, and placement options.

Does not require consent, only notice.

Requires periodic re-evaluations.

Re-evaluation is required before a significant change in placement.

No provision for independent evaluations at district expense.

In interpreting evaluation data and making placement decisions, districts must:

- 1) Draw upon all information from a variety of sources;
- 2) Assure all information is documented;
- 3) Ensure that the eligibility decision is made by people knowledgeable about the student, the evaluation data, and placement options;
- 4) Ensure that the student is educated in the least restrictive environment.

A meeting is not required for any change in placement.

Due Process

Does not require a grievance procedure or a compliance officer.

Requires districts with more than 15 employees to:

	1) Designate an employee to be responsible for assuring district compliance with Section 504; 2) Provide a grievance procedure for parents, students, and employees.
<i>Requires districts to provide impartial hearings for parents and guardians who disagree with the identification, evaluation, or placement of a student.</i>	<i>Requires districts to provide impartial hearings for parents and guardians who disagree with the identification, evaluation, or placement of a student.</i>
Delineates specific requirements for due process.	Requires that the parent have an opportunity to participate and be represented by counsel.
Requires the parent or guardian to pursue administrative hearing before seeking appeal in the courts.	Administrative hearing not required prior to court action or Office of Civil Rights involvement.
Enforced by the U.S. Office of Special Education Programs.	Enforced by the U.S. Office of Civil Rights.
The State Department of Education resolves complaints.	State Department of Education has no monitoring, complaint resolution, or funding involvement.

Federal Requirement for Special Education within Charter Schools

Congress made it clear that it expects charter schools “will be in full compliance with Part B” of the Individuals with Disabilities Education Act (IDEA). The expressed provisions in the re-authorized IDEA having to do with charter schools, however, are limited. According to the IDEA, 1997, the most significant provision is §1413(a)(5), a section having to do with the eligibility of “local educational agencies” [“LEAs”]. It states:

(5) Treatment of charter schools and their students

In carrying out this part with respect to charter schools that are public schools of the local educational agency, the local educational agency -

(A) serves children with disabilities attending those schools in the same manner as it serves children with disabilities in other schools; and,

(B) provides funds under this part to those schools in the same manner as it provides those funds to its other schools.

As evidenced in the previous comparisons and statements of each state's charter legislation provisions regarding special education, it is obviously necessary to develop clear guidelines and regulations to make clear how the IDEA will be administered, implemented, and monitored within charter schools. The federal law does include a passage regarding the obligations of state and local educational agencies under the IDEA which include, among other things, that children with disabilities enrolled in charter schools:

- a. not be discriminated against in the admission practices: §1412(a)(2) and 34 C.F.R. §300.533 [each SEA shall ensure that each public agency establishes and implements a goal of providing full educational opportunity to all children with disabilities in the area served by the public agency”];
- b. be located, identified, and evaluated according to the procedures set forth in the IDEA; §1412(a)(3) and 34 C.F.R. §300.532;

- c. be provided with individualized education programs that are developed according to the procedures set forth in the IDEA and its regulations; §1412(a)(4) and 34 C.F.R. §300.552(a)(2);
 - d. be offered placements in the “least restrictive environment” [e.g. in “regular” classrooms and other settings with non-disabled students to the maximum extent appropriate]; §1412(a)(5) and 34 C.F.R. §300.550(b)(1);
 - e. be provided with the procedural protections set forth in the IDEA, including:
 - i. confidentiality of records; §1412(a)(8); 34 C.F.R. §300.500 et seq;
 - ii. opportunities for impartial administrative hearings to resolve disputes; §1412(a)(6), requiring parents to be afforded the procedures set forth in §1415;
 - iii. continued placement in their “current educational placement” pending resolution of any disputes; §1415(j); 34 C.F.R. §300.513;
 - iv. attorney’s fees and costs if they prevail through the administrative hearing process; §1415(1)(3)(B); 34 C.F.R. §300.515; and
 - v. special disciplinary procedures; §1415(k); and
- be taught by personnel who are “appropriately and adequately prepared and trained” and who meet the “highest standard in the state” for the provisions of special education (IDEA, 1997).

The United States Department of Education Office for Civil Rights says that charter schools are

public schools under contract – or a charter – between a public agency and groups of parents, teachers, community leaders, or others who want to create alternatives and choice within the public school system. In exchange for greater accountability for student achievement, charter schools are given expanded flexibility from statutory and regulatory requirements. However, charter schools remain subject to federal civil rights laws (OCR, 1997 cited in Dale, 1999, p. 17).

It is apparent that while federal regulations are very clear, few provisions state how these regulations are to be implemented.

Charter School Law vs. Special Education Law

As highlighted earlier in this chapter, charter school legislation does not always specify how charter schools are expected to handle special education services. When it is specified, vague provisions are given, leaving many charter school principals as confused as ever. Children with disabilities do not leave the legal rights guaranteed them by the IDEA and other federal disability laws, including Section 504 of the Rehabilitation Act of 1973 [“§504”] and the Americans with Disabilities Act [“ADA”], at the charter school doorstep. Children with disabilities are also protected by the United States Constitution, including the equal protection guarantees of the Fifth and Fourteenth Amendments (Hubley and Genys, 1998, p. 4). Furthermore, there is little specified by the federal government or the state governments on where charter school principals should turn for answers. In many states, departments of education have established charter school

offices to administer to the needs of charter schools and interested applicants. Charter school principals may have serious concerns about the fact that the vagueness of the legislation creates situations where charter school special education students are not being properly served because neither the principal, district, the state board of education, nor the federal government know how to implement these mandates in charter schools.

As more and more states move to enact charter school laws, special education has often been treated mostly as an afterthought. No one really has a handle on how many children with disabilities are enrolled in charter schools nationally or how well they are being served (Schnaiberg, 1997). This is more and more prevalent as the states with restrictive or no charter school legislation, amend or create legislation based on what other states are doing. Based on the ambiguity of charter law regarding students with disabilities, it is apparent that no ideal model of charter legislation in regards to special education issues exists. Furthermore, state laws that seek to free charter schools from state and local legal constraints may have the unforeseen, unintended, and paradoxical effect of increasing charter schools' obligations under federal disability law (Heubert, 1997 cited in Dale, 1999, p. 70). Unfortunately, the outcome of amending weak legislation results in more legislation, adding more layers of rules and regulations – ironically, creating a situation of over-regulation – the very reason that charter schools were created in the first place.

It is apparent that no state can offer charter schools an exemption from any federal special education law or regulations, including Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA), and the Individuals with Disabilities Education Act (IDEA) (NASDSE, 1997 cited in Dale, 1999, p. 70). While

charter schools may not be intending to avoid their obligations to these federal requirements, states and districts often make it exceedingly difficult for charters to comply by denying or delaying funding to help offset the costs of serving special needs students, only providing charter schools a percentage of the per-pupil allocation from the state and federal government, delaying provision of certified staff to serve special needs children, or delaying timely answers to questions that charter school principals may have regarding delivery of services. While it may not be the state or district's intent to deny or delay services, unfortunately, the charter school is often expected to accept responsibility for non-compliance with federal mandates. With the tight budgets of charter schools, it is extremely important to appropriately fund special education services in a timely manner. This is not to suggest that charters should be expected to either receive more funding than any other public school receives for special education costs or that charters should be excused from compliance with the federal mandates of the IDEA, ADA, or Section 504. Rather, charter schools should be considered precarious in their existence if funding does not follow the child in a timely manner. The impact of students with "special needs" on a budget is frequently raised as a barrier to fiscal viability of charter schools, particularly for small, newly created schools. Despite concerns, there has been no data indicating that special education programs have caused a charter school to fail financially.

A further perplexity results when the question arises about whether charter schools are considered local educational agencies (LEAs) or if they fall under the umbrella of the district LEAs. The confusion arises when you consider states like Arizona where more than 70 of the 95 district-sponsored charter campuses do not

actually operate in the school district granting the charter (Gresham, Hess, Maranto, and Milliman, 2000, p. 752).

Some states consider charter schools to be their own LEAs, meaning

like a sword of Damocles, the prospect of the “fifty thousand dollar kid” looms over the delicate finances of charter schools. Such a situation has not yet befallen many... but it could: the arrival of a child with many special needs, both physical and mental, and a preexisting IEP that spells out how these will be met, including individual attendants, customized equipment, and the like. Serving such a child in this way may cost the school as much as ten or a dozen other youngsters, and if the full cost must be met within the charter school’s regular budget the fiscal consequences may be dire (Finn, Manno, and Bierlein, 1996, p. 58).

Despite this real concern, charters must admit every student that is accepted through their application process. One must speculate that if charter schools cannot accommodate every child, then maybe they shouldn’t be publicly funded.

Federal and state special education laws, regulations, and procedures are ill-suited to the operation of many charter schools. According to National Association of State Directors of Special Education (NASDSE), existing provisions of state charter school laws may create problems with respect to federal laws and regulations that apply to them. In some states, charter schools are part of the local education agency (LEA), while in other states a charter school is financially and legally independent from a school district and constitutes a separate school district. Further, some states allow both types of governance, and some have mixed a structure such as the District of Columbia (DC)

where the charter school must choose its status for specific areas of operation: Section 2201(19) of the DC law provides that each charter petition shall contain “a statement of whether the proposed school elects to be treated as a local education agency or a District of Columbia public school for purposes of part B of the Individuals with Disabilities Education Act (20 U.S.C. §1411 et seq.) and Section 504 of the Rehabilitation Act of 1973 (20 U.S.C. 794), and notwithstanding any other provision of law the eligible chartering authority shall not have the authority to approve or disapprove such election” (NASDSE, 1997 cited in Dale, 1999, p. 75).

Finally, even the U.S. General Accounting Office recognizes the far-reaching implications of determining whether charter schools are LEAs or under their district’s umbrella, stating “whether charter schools are LEAS [sic] or part of a traditional school district has implications for (1) which institution – the school or the district – is legally responsible for meeting federal special education requirements and (2) how states and districts fund special education services” (U.S. General Accounting Office, 1995, p. 4). While this may seem a mundane point to argue, it must be recognized that when local revenues are used to fund special education, charter schools pose a particular problem because, since charter schools cannot levy taxes, another institution must provide the revenue (U.S. General Accounting Office, 1995, p. 20).

Problems for Charter Schools

The issue of charter schools and special education represents a paradoxical development in school reform, as the more independent in governance that charter schools are made by well-intentioned state policymakers, the more charter schools become independently subject to the complex requirements of federal laws and

regulations governing special education – requirements which were never intended to be met by such small entities with limited resources and no taxation power (Dale, 1999, p. iii). As is becoming increasingly apparent, these ambiguities in the law create problems for charter schools. These problems exist for large for-profit charter educational management organizations as much as they do for small charter schools started by parents and teachers. Money doesn't completely solve the problem since one significant obstacle is understanding exactly how charters are expected to comply with highly regulated federal mandates in the midst of an autonomous environment like a charter school.

Intersection of Federal and State Requirements

The United States Department of Education responded to a draft of the U.S. General Accounting Office's report, stating that it would encourage states to develop legal strategies that best support state and local strategies and that it intends to work with states on a case-by-case basis to address issues raised in the report regarding federal administration in charter schools (Dale, 1999). In passing the IDEA and stipulating the responsibilities of charter schools in regard to children with disabilities, Congress intended this language to result in charter schools being in full compliance with Part B of IDEA 97 (House Report No. 105-95, 1997), yet IDEA only provides for charter schools which are not independent from a school district. Congress did not speak to the issue of charter schools which are independent from a school district, but the March 12, 1999, final regulations implementing IDEA '97 did.

Nevertheless, charter school responsibilities for special education are still left for state law to clarify or, in most cases, for charters to struggle with after charter school

legislation is already enacted. McLaughlin, Henderson, and Ullah (1996) affirm, "in states where charter schools are considered legally independent agencies, the charter schools are responsible for meeting federal special education requirements" (McLaughlin, Henderson, and Ullah, 1996 cited in Dale, p. 33). This equates to no resources provided by a local board or even someone to turn to for answers. Since many laws are so vague, there is general difficulty in obtaining a straight answer from any one authority on how to meet specific special education needs.

Finally, RPP International reported sixteen barriers for charter schools from its National Study of Charter Schools, finding that 6% of all charter schools felt that federal regulations were a difficult or very difficult barrier; 19% felt that State Department of Education regulations were a difficult or very difficult barrier (Jennings, Premack, Adelman, & Solomon, 1998). This is a concern that needs to be addressed by state legislatures that draft charter legislation. To create legislation that does not address how to accommodate mandatory federal regulations and instead gives vague provisions on how to do so only invites lawsuits and a delay of services to children with disabilities.

Autonomy vs. Mandated Regulations

President Clinton described charter schools as a place where 'red tape' is low and expectations are high (Guthrie, 1997). While this was clearly the President's impression, it is apparent that charter schools, while still expected to achieve high test scores are actually more mired in regulation than many may believe. In 1996, Joseph McKinney found that only 17 of the 46 operating charter schools reported serving disabled children. And, he reports, most charter school administrators did not understand federal and state special education laws and regulations. His conclusion: Children with disabilities do not

have equal access to charter schools (McKinney, 1996, p. 22). This statement is unnerving because it suggests either that children with disabilities were not being accepted into charter schools or that children with disabilities were not being served according to IDEA regulations in charter schools.

The United States Office of Educational Research and Improvement published their annual report on charter schools and stated “fewer than 1 of 20 charter schools reported implementation difficulty due to federal regulations” (Nelson, Berman, Ericson, Kamprath, Perry, Silverman, & Solomon, 2000, p. 3). While this statement may have calmed the fears of many concerned about special education issues in charter schools, that leaves at least 5% of charter school principals who do experience implementation difficulty. McKinney found that “charter school personnel, especially principals lack sufficient knowledge of federal and state special education laws and procedures.” Principals also appeared to be completely overwhelmed by the complexity of IDEA’s requirements. With the encouragement of allowing anyone to apply for a charter, there are also charter school principals who are unfamiliar with how to operate a school, what the school code is, and from which codes that the charter legislation allows charter schools to be exempt.

Some charter schools seem to be avoiding special education altogether. Arizona’s State Department of Education learned that some charter schools were not serving children with disabilities: One high-ranking official put it this way: ‘Charter schools are totally out of it when it comes to special ed’ (McKinney, 1996 cited in Dale, 1999).

The Center for Reinventing Public Education (CRPE) lists “providing for special needs’ students” as one of the top seven challenges for all charter school applicants.

CRPE states that many charter school applicants fail to give adequate thought to how their school will serve special education students, yet the non-traditional school format of charter schools can attract a large number of these students. In Massachusetts, for example, the cost of serving the larger than expected number of special education students has severely strained charter school budgets (CRPE, 1997). Too many charter schools do not adhere to the Individuals with Disabilities Education Act. Many charter schools are uninformed about special education law. And, in a few cases, charter school admissions requirements keep students with disabilities out (Special ed advocates plea, 1999).

For example, in Michigan, Lyle Voskuil, director of special education at eight Grand Rapids area charters run by National Heritage Academies, a for-profit company, says that for financial reasons his schools offer no more than three hours of special-ed services to a student a week and that they urge the parents of students who need more help not to attend the schools. "We tell them upfront that they may be better off elsewhere," says Voskuil (Cohen, 1998, p. 23).

In Illinois, rather than being served appropriately, some students are being denied admission and/or counseled out. In fact, in Chicago, when the charters first opened in 1997, all charter students' LRE were changed to "consultation" by the district. This decision was based on the assumption that a continuum of services was not available in the charters (Damore, 1999). In Massachusetts, one principal stated that her school used the inclusion model solely as a cost-cutting measure. "You have to say to yourself, not in an unkind way, that if they're going to fail anyway, why are we spending three times as much money on them? Why are we going to have two adults in a room with six kids and

still have them fail? You might as well just let them stay with the other kids” (Farber, 1998, p. 512). In Arizona, researchers at Arizona State University found that almost half of the charter schools spent no money on special education (Good and Braden, 2000). “Another disturbing aspect relates to special education in for-profit charter schools. Indications suggest that for-profit management companies generate savings through intentionally hiring inexperienced teachers with less training, using uncertified staff, and eliminating high-cost special education programs” (Leak and Williams, 1997; U.S. Government of Accounting Office, 1996; Wichita State University, 1996 cited in Furtwengler, 1998, p. 47).

While the Office of Educational Research and Improvement is assuring the public that few charter school principals are struggling with federal mandates regarding students with disabilities, the research certainly suggests otherwise. The National Council on Disability says that current federal monitoring is woefully inadequate and recommends tough sanctions for districts and charter schools that violate the Individuals with Disabilities Act (Special Education report, 1998). Additionally, state boards of education are not adequately monitoring the implementation of IDEA and Section 504 in charter schools. In the study published by the National Association of State Principals of Special Education entitled “Charter Schools and Special Education: A Report on State Policies” it was revealed that about half the states reported having no written policy documents relating to students with disabilities in charter schools. Much debate focuses on whether close scrutiny of charter schools would negate their very creation – that they should be left to their devices to improve student achievement or if close monitoring needs to occur to ensure appropriate services to disabled children.

Charter Schools Struggle with Special Education

The United States has a history of statutes, regulations, and case law that has established policy and precedent for public education. This existing set of requirements was not considered when charter school laws were passed. There is passing reference to students with disabilities in some state charter laws, but the implications of special education for charter schools was not recognized to any extent (Ahearn, 1996). While all charter schools undoubtedly struggle with the issue of special education, one charter school in particular suffered the reprimand of violating a child's rights as protected by federal regulations. As the research is presented about the state of special education in our nation's charter schools, it is necessary to present the facts about the only existing lawsuit that has been filed against a charter school regarding violation of the federal mandate, Section 504 of the Rehabilitation Act of 1973. It is important to note that a total of approximately 29 cases involving charter schools have been decided in the court system. The content of these cases, however, deal with issues regarding charter staff grievances, protesting of a denied charter, and states' contesting funding of charter schools. The case to be presented here involves the violation of a child's rights within a charter school.

Boston Renaissance Charter School

The information presented in this work was culled from written interviews with John Chubb, an executive of the Edison Project in Phi Delta Kappan, and Peggy Farber's Phi Delta Kappan article about her visits to Boston Renaissance during the year that the child attended Boston Renaissance Charter School (Farber, 1998; Chubb, 1998).

In September 1997 the U.S. Department of Education's Office for Civil Rights ruled that Boston Renaissance Charter School had violated the rights of a special education student who was regularly restrained, suspended, and kept out of class. Boston Renaissance Charter School was operated by the Edison Project, a for-profit educational management company based in New York. The child in question was a 5-year-old kindergarten student who apparently displayed emotional outbursts frequently in his classroom. The teachers and staff were instructed to restrain children who acted inappropriately and announce a "Code Orange" over the school's intercom when such an outburst occurred. This kindergartner was repeatedly restrained 2-3 times per week and a "Code Orange" was announced 2-3 times per week. The child's parents were repeatedly contacted regarding their child's behavior and the parents were ultimately persuaded by the school to withdraw their kindergartner and place him in another school. They left their older child at Boston Renaissance Charter School and sought legal counsel about the situation with their kindergartner.

During the interviews, teachers, parents, and the parents' lawyers indicated that school administrators had devised shortcuts for handling children with learning disabilities that had ultimately backfired. A number of parents, several special education teachers, and two lawyers representing frustrated families said that the shortcuts included substituting disciplinary proceedings for educational interventions, misleading parents about their rights to services, and counseling special education students to go elsewhere.

One person who was terribly disturbed by the school's approach to behavior problems was Amy Babin, a special educator who left a traditional public school job to join the Boston Renaissance staff as special-needs coordinator at the start of its second

year in August 1996. "I'd never been in a more dysfunctional setting in all my life," she said. "There was no training for teachers. Everything escalated to the point of using physical restraints every time. I had never seen anything like it." In seeking support from the principal, the response to Babin was, "Just handle it." "They (administrators) didn't know what happens in an IEP meeting. They didn't know what services they could or couldn't provide," Babin said, recounting her testimony. "I didn't want to be writing plans – and signing them – that couldn't be backed up. When I said, "It's not physically possible to get this done; I need some support," Wager (the principal) responded, 'We don't even know if we can pay you, let alone hire someone else'" (Farber, 1998, p. 511).

In its September 1997 ruling, the U.S. Department of Education found that Boston Renaissance Charter School had violated federal law by neglecting to tell (the kindergartner's) family of his right to classroom interventions. Instead, Barbara Wager (the principal) simply dropped broad hints that she wanted (the child) out of the school altogether (Farber, 1998, p. 510).

In defense, the staff was blindsided by the Boston public school system, which delayed sending over student records, including IEP's, for months after school started in 1995. In addition, many parents deliberately hid the fact that their children were classified as "learning disabled" in the hope of letting them make a fresh start (Farber, 1998). This has been reported by countless charter school principals as a major concern – schools are simply not prepared for the onslaught of IEPs that appear once a child has been officially accepted into a charter school. Parents do not indicate their child's IEP status on the application for fear of being rejected. Once their child is accepted, they

demand services. Schools then are faced with finding and hiring many new staff and devising appropriate programs for these children (Farber, 1998).

Nonetheless, the case against Boston Renaissance Charter School has shown that charter schools are, indeed, expected to comply with federal mandates and will be held responsible for doing so. Farber stated, “the school might be out of compliance with a number of state and federal statutes governing how schools handle children with disabilities” (Farber, 1998, p. 510). This tends to be the norm, rather than the exception. This one lawsuit indicates that charter schools are held responsible for any violations of federal law. It is the warning signal for charters to seek compliance with these federal mandates, although how this is to be done is not necessarily stated by state law.

As the charter school movement continues to grow – and indications are that the pace of growth is still ascending – the natural friction between the fluid nature of charter school laws and the solid bedrock of federal special education law may spark litigation that could provide more solid answers (“Charter schools and special ed law”, 1996).

Can School Choice co-exist with Special Education?

According to the theory of complementarity, some attitudes, actions, and events ought always to be kept together. Among these, for example, are love and justice, stability and change, excellence and equity (Willie, 1997, p. 1). Americans have enjoyed a history rich with pioneers making advances in numerous industries from transportation to technology, allowing the United States to become one of the most powerful nations in the world. As our children fall increasingly behind the rest of the world’s children in reading and math, it is imperative that pioneering efforts are encouraged in education. Charter schools are one such pioneer effort that can effect real change in how well our

students achieve locally and globally. “To raise standards higher without planning for ways of helping students who cannot meet these higher standards is to pander to excellence without also promoting equity” (Willie, 1997, p. 2).

Research shows that characteristics of classrooms that are more effective with special education students include intensive instruction; individualized instruction; close, frequent monitoring and feedback; multiple methods of behavior control; lengthy, often multi-year teacher training; curriculum modification; consultation and supportive services; and teacher willingness to work with students who have special needs (Terman, Lerner, Stevenson, Behrman, 1996, p. 18).

To a large extent, this description may sound like “just good teaching.” What is the difference between good teaching and special services in the regular classroom? There is a significant overlap between the two. In fact, studies of “effective schools” show that effective teachers employ frequent individualized monitoring and feedback, along with intensive instruction, practices that have been shown to benefit special education students. In many instances, special education students may not need different interventions so much as they need good teaching with greater consistency and intensity than other students require (Terman, et al., 1996).

Adults are well-protected in the present public education system. Public school teachers and principals, regardless of their performance, are almost impossible to fire. The crisis within public education frustrates and embitters educators and parents. It is time to try a different kind of system – one that protects students and ensures parents of a free appropriate public education for their child, for every child.

Charter schools are beginning to show results both within their schools and in the districts where they are located. "The Boston-based Pioneer Institute reports several "ripple effects" of that state's charter school law. For example, the Nauset regional school district is opening a new school within a school to compete with the Cape Cod Lighthouse Charter School, and Marblehead's middle school site council is implementing reforms described in a Marblehead Charter School proposal" (Nathan, 1996, p. 5).

Finally, "Charter schools are havens for children who had bad educational experiences elsewhere," according to a Hudson Institute survey of students, teachers, and parents from 50 charters in 10 states. More than 60 percent of the parents surveyed said charter schools are better than their children's previous schools in terms of teaching quality, individual attention from teachers, curriculum, discipline, parent involvement, and academic standards. Most teachers reported feeling empowered and professionally fulfilled (Vanourek, Manno, Finn, & Bierlein, 1997). Isn't that what schools are supposed to accomplish?

CHAPTER III

METHODS

Despite the growing popularity of charter schools, the question remains – What is being done to ensure that all students are receiving a free appropriate public education in charter schools? There is a need for research to be conducted and placed in the hands of policymakers in order to better craft regulations that meet all students' needs in the charter school, regardless of the state where they are located.

In an attempt to better understand how disabled students are being served in the nation's charter schools, the following research questions were proposed for this study:

1. What is the current state of special education in our nation's charter schools?
 - 1a) What criteria of effective schools do charter schools fulfill?
 - 1b) To what extent is special education implemented in charter schools?
 - 1c) What special education services are being provided in charter schools?
 - 1d) What related services are being provided in charter schools?

These questions drove the research and formed the basis for the questions in the survey.

While innovation, creativity, and accountability are sought by charter school principals, too often, children with special needs have been neglected due to the high volume of paperwork, funding issues and misunderstandings, ignorance of the law, and the school's obligation under the law. This survey-based research attempted to gauge the

true practice of special education services within our nation's charter schools. The research was attempting to answer the central question of how comprehensively special education and its related services were being provided in our nation's charter schools. A sampling of charter school principals across the country were asked to complete an anonymous survey via the World Wide Web regarding their practices in regard to special education. Questions regarding their opinions and actual practices were posed in an attempt to truly identify how well charter school principals were aware of their responsibilities under the IDEA and Section 504, if and how they implement special education, and how the expectation affects their school.

Subjects

Using the most current list of operating schools as of July, 2000, approximately one-third of all charter schools in each state were randomly selected. The total numbers of charter schools at the time of this survey was 2,069. Since 800 schools comprise approximately less than one-third of the total number of schools, one-third of the charter schools in each state were selected when possible. The exact number depended upon the number of charter schools in each state, which varied greatly. Subjects were randomly chosen to constitute the sample. Once a random sampling of subjects was chosen, electronic mail (e-mail) addresses were sought for each. In the case where a subject did not have an e-mail address, another subject was randomly selected and their e-mail address was sought. If that subject had an e-mail address, they became part of the sample. If not, a new subject was chosen and again, an e-mail address was sought. Some states had only 0-2 charter schools in operation. A few states had a number of charter schools but offered few or no subjects with e-mail addresses. In these cases, those

schools were included, if possible, and additional charter schools from more charter-school-populated states were included to build a significant subject pool of 800.

Proportional allocation was utilized as a stratified sampling strategy. Each stratum's (charter state) sample size was proportional to the relative size of that stratum (number of operating charter schools in each state) in the target population (the nation's 37 charter states) (Light, Singer, and Willett, 1990).

Design

The design for the survey involved a series of questions requesting a combination of qualitative and quantitative data from charter school principals. The survey was unique in that it was posted on the World Wide Web providing respondents with anonymity, unless a survey respondent voluntarily submitted their name or electronic mail address to the researcher. A letter of introduction and explanation of the research was electronically mailed to a sampling of charter school principals from the thirty-seven states (including the District of Columbia) with current charter school legislation as of September 2000. Within the content of the e-mail was a hyperlink to the web page where the survey was posted. The letter of introduction provided subjects with sufficient details about the survey. Subjects were informed that when they chose to click on the hyperlink for the web page, they gave permission to use their results in the research and were agreeing to participate in the study. For those charter school principals who did not have the technology of hyperlink, an option to copy and paste the web address to the address bar in their browser was fully explained.

A search engine was not set up to prevent any people, other than those chosen, from accessing and responding to the survey. Only subjects had access to the survey

unless they gave the survey's web address to a non-participant. This was a limitation of the study which this researcher feels did not occur with frequency, if at all. It was not possible for someone "surfing the web" to stumble across the survey page since it was not registered with a search engine or directory.

Once the letter of introduction with the survey web page link was sent to all subjects, responses were expected to come back within the next week. The letter was sent in January of 2001. A week after the letter was sent out, a second reminder was e-mailed to all original subjects. Due to the anonymity of the responses, it was not possible to determine who returned a response and who did not. This was fully explained in the first and second reminder letters. After six weeks, all responses were gathered for tabulation and data analysis. The variables of a special education program and an effective charter school were represented in the survey.

Variables

Three sets of variables were presented to address the research question about the state of special education within the charter schools. These three sets include variables about a school's special education program, variables pertaining to a school's charter school program, variables that relate to effective school research (inclusive of charter schools).

To provide answers to this research, the survey tool prompted information that would help form outcomes that responded to the research questions. The table below presents the research questions with the correlating survey questions that attempted to provide answers to the question, as well as to the central research question:

What is the current state of special education in our nation's charter schools?

While the subject profile questions did not directly correlate to a research question, they provided valuable background information about the subjects in the study, and more importantly, the respondents' opinions about special education, their knowledge of special education and charter law, and how supported they felt in meeting special educational needs. While these were the respondents' opinions, the respondents were instrumental in shaping their school's program, including special education, and thus, provide very valuable information in researching how well special education was being implemented in our nation's charter schools.

Table 6

Research Question/Subject Profile	Correlating Survey Question(s)
Subjects' Profile	• How long has your charter school been open? • In what state is your charter located? • What grade levels do you serve in your charter school? • Approximately how many students do you serve in your charter school? • When a question or concern arises in your school regarding a special needs student, to whom do you turn? • In your opinion, how much freedom has autonomy from most regulations (as stipulated in most states' charter law) allowed you to run your charter school? • In your opinion, should every charter school be required to provide Special Education and related

	service to severe/profound students? • In your opinion, how familiar are you with Special Education law? • In your opinion, how familiar are you with charter school law? • Does the expectation that charter schools serve all students regardless of disability or the severity interfere with your charter's educational mission and goals?
1a. What criteria of effective schools do charter schools fulfill?	• What is the average daily attendance for your school? • What is the average class size in your school? • What is your school's overall aggregate percentile scores in mathematics and reading based on the most recently taken standardized test? • What role do you play in involving parents? • What types of extracurricular programs are made available to students in your school?
1b. To what extent is special education implemented in charter schools?	• How many of your students currently have an IEP? • Approximately how many of your students have been evaluated within the last calendar year for Special Education? • Type in the approximate number of your Special Education students whose primary/secondary disability is disabled, behavior disordered, emotionally disordered, speech and language, educable mentally handicapped/trainable mentally handicapped/other?

	• Type in the approximate number of students receiving Special Education services that are provided services in the following models: 0-20% of the time removed from the general ed classroom; 21-60% of the time removed from the general ed classroom; 61-100% of the time removed from the general ed classroom. • In your school, rate the occurrence of staff development regarding inclusion of disabled students in general education, i.e., modifications, collaboration between special education and general education. • In your opinion, are the needs of your Special Education students being sufficiently met? • Indicate whether charter schools, in your opinion, are sufficiently considered and able to access funding, staffing, resources, and support.
1c. What special education services are being provided in charter schools?	• Who provides Special Education and related services to your special education students? • Indicate all the special education related services currently being provided in your school.
1d. What related services are being provided in charter schools?	• What are the obligations/legal mandates for your particular charter school?

Variables of Special Education Programs

There were a number of variables that were selected to determine the presence of a comprehensive special education program within a school, not necessarily specific to charter schools. While all public schools are expected to comply with IDEA mandates,

not all schools have a strong, or even an existing special education program.

According to RPP International, the prevalence of students with disabilities could actually be higher because some charter school operators, who believe they deliver individualized instruction to all students, are reluctant to report students as receiving special education services (Charter Schools and Students with Disabilities: Review of Existing Data, 1998).

Charters in particular face an additional obstacle in that some charter school administrators may not know of the obligations that they have regarding special education; even the district and charter granting bodies often do not know the answer as to how to mesh the highly regulated special education program with an autonomous public school. The variables regarding special education that were chosen were limited to a number of key areas of concern. These were culled from conversations with various special education and charter school staff. Variables pertaining to a special education program included the following:

- *The percentage of students with an Individualized Education Plan (IEP)* was a critical variable, in that it allowed the researcher to assess if appropriate percentages of students were being served. IEPs are necessary to accomplish the zero-reject principle because they assure that no student, once identified as having a disability, is overlooked (Turnbull and Turnbull, 2000, p. 203).
- *The number of students being evaluated for special education services* was important in that this was an indicator of whether an evaluation process was in place. Charter schools may have special education students that they are obligated to serve, and there may be an effort to prevent identifying further students that are

unable to be accommodated if inappropriate numbers of students are in the referral process. “The schools must be able to identify and evaluate students and determine who among them have disabilities (and of what kind and degree) in order to (a) plan, program, and appropriate funds for them, (b) provide appropriate services for them, (c) comply with federal and state laws requiring that students be counted and served, (d) evaluate their own efforts to educate children, and (e) serve their bureaucratic interests in maintaining and expanding their own services” (Turnbull and Turnbull, 2000).

- *The percentage of time spent in various modes for providing these services such as resource room, self-contained, and inclusion* is a third variable. While a free, appropriate, public education (FAPE) is mandated by the IDEA, many schools continue to place students in overly restrictive environments. Classifying and placing students by their label may be an easier practice administratively, yet it is not acceptable under the IDEA. The program should be altered to suit the child’s needs – NOT to simply expect the child to conform to the existing program. Predictions about which students will do better academically or socially in which setting are highly fallible. No interventions in either regular or special education are uniformly successful for students with special needs; students with the same disability, in roughly the same degree of severity, may vary tremendously in personality, motivation, social and family support systems, and compensating strengths (Terman, et al., 1996).
- The question of *who specifically provides Special Education and/or related services to students* is crucial. Some schools rely on the district, some rely on a

university sponsor, while others may contract out for their services. Each offers different advantages and disadvantages to the school and the students that are served. An advantage includes being able to access a wide range of experts while a disadvantage may include giving up some autonomy by relying on an outside source. In a study of Minnesota charter schools that were operating or preparing for operation in early 1994, Urahn and Stewart (1994) identified funding of special education services as a critical issue to charter school operators as they learned that not all special education service costs were reimbursed. Many operators were unfamiliar with the funding process and were not prepared to provide assessments of recommended services. Some did not have sufficient funds to secure expensive or scarce specialized services (such as vision therapists or occupational therapists). Charter school operators were frequently unprepared for the costs of providing special education services because they assumed the district would meet the need (Charter Schools and Students with Disabilities: Review of Existing Data, 1998).

- *Access to sufficient resources, support, and funding* was crucial in that schools that do not receive funding may go out of compliance and be in violation of IDEA or Section 504. Resources certainly assist the staff in providing appropriate educational experiences for their special needs students. Support is critical, especially if a school administrator is not fully aware of state, federal, or district regulations. To be able to receive accurate and speedy responses to questions is an invaluable tool in providing a quality program. Preliminary results of case studies and telephone surveys conducted with 32 charter school operators in seven

states (Arizona, California, Colorado, Massachusetts, Michigan, Minnesota, and Texas) indicated that only half of the charter schools received IDEA funds or IDEA-funded services. Of those 16 schools that did not receive IDEA funds or services, 11 reported not applying for them. The reasons they cited were lack of time, self-determination of ineligibility, lack of knowledge of funding availability, or application costs exceeding potential funding award. The report did not explain why five schools applied for but did not receive IDEA funds or services (Charter Schools and Students with Disabilities: A Review of Existing Data, 1998).

Many principals began their schools out of a desire to create a positive learning environment for students, teachers, and families. Relatively few, however, had received training as educational administrators or small business owners. (In most states, charter school directors are not required to hold principal certification.) Thus, few directors are likely to possess the breadth of knowledge necessary to handle the educational demands or the multitude of business related activities of a school (e.g., personnel, budget, transportation, physical plant).

Of particular relevance to students with disabilities was Urhan and Stewart's (1994) finding that many charter school operators were unfamiliar with the special education funding process and were unprepared to provide assessments and recommended services. Many assumed the district would meet the need (Charter Schools and Students with Disabilities: A Review of Existing Data, 1998).

Variables Pertaining to The Charter School Program.

Teaching can and should have a scientific basis. Science deals with relationships between both input (independent) variables and output (dependent) variables. A sizable amount of good research has been carried out that relates teaching and administrative practices to student achievement as well as motivation, attitudes, and self-esteem. (Gage, 1984 as cited in Davis and Thomas, 1989). Throughout the research on effective schools and effective teaching, the main criterion of effectiveness has been higher achievement, virtually always measured by standardized tests of reading and/or mathematics. Other legitimate goals of effective schools can include designing optimal educational conditions for special populations (Davis and Thomas, 1989).

The National School Recognition Program listed the following as indicators of effective schools (Sergiovanni, 1987 from David and Thomas, 1989, p. 6):

1. Improved test scores
2. Improved attendance
3. A generally increased number of writing and homework assignments, with the amount of homework based on the age of students.
4. Increased instructional time spent on mathematics, English, science, history, and social science, foreign languages, and fine arts.
5. Community and parent participation
6. Student participation in extracurricular activities
7. Awards and recognition for students and teachers
8. Quality of support for students with special needs

Since charter schools were instituted in an effort to create an environment for more effective schools, these criteria were important to consider in this research.

Consequently, there were a number of survey items in this study that were selected to determine the effectiveness of a charter school. Questions were posed that addressed the academic program of each charter school, the type of support that was given for students with special needs, attendance rates of students, parent participation, extracurricular participation by students, as well as opinions of the principals relating to various school matters.

The variables pertaining to a school's charter school program include the following:

- *The amount of time that the school has been in operation* was relevant. Schools that opened ten years ago will have better perfected the system of educating their students than newly created charter schools. Principals of long-operating charter schools are familiar with the various agencies like districts and universities that provide support to their particular charter school and are generally expected to be more efficient at getting things done and questions (particularly about special education concerns) answered promptly.
- *The state where the school is located* was valuable information. Since each state with current charter school legislation has their own distinct set of laws determining how each charter may operate, it was helpful to know in which state each respondent was operating a charter school.
- *The grades served within the school* provided information on the school's program. Schools that open with primary grades and then expand into the upper levels after each year the school is open, may be more optimal in that principals

can focus their funding, resources, and curriculum on a limited age range of students. Schools that open and immediately begin serving up to 8 or 12 grade levels may struggle with the wide range of grades served.

- *The number of students attending the charter school* was useful to know in that a significant body of research finds student achievement in small schools to be superior to that in large schools (Bates 1993; Eberts, Kehoe, and Stone 1982; Eichenstein 1994; Fowler and Walberg 1991; Kershaw and Blank 1993; Miller, Ellsworth, and Howell 1986; Robinson-Lewis 1991; Walberg 1992 as cited in Cotton, 1996). Most charter schools are small schools – the median enrollment in all charter school sites was 137 students per school, whereas all public schools in the charter states had a median enrollment of about 475 students (Nelson, Berman, Ericson, Kamprath, Perry, Silverman, & Solomon, 2000, p. 1). While this number may grow each year that the school is in operation, new charter schools tend to start out small.

Variables of Effective Schools Related to Charter Schools

Additional variables that relate to effective school research and certainly apply to charter schools include:

- *Attendance rates* of the school were assessed to determine the rate of participation by students in a school's program. If students regularly attend, they are more apt to learn the academic program. High student attendance rates also reflect the students' desire to be in school.
- *The strength of the academic program*, particularly in mathematics and reading as measured by standardized test scores, was assessed. This variable measured

aggregate percentile scores in whatever standardized test was mandated in the respondent's state. While this may not have been the most valid way to assess school success nationwide, it was a ready means to gauge student learning.

- *Class size* was addressed as fewer students in a class means higher achievement (Smith & Glass, 1980; Stallings, Cory, Fairweather, and Needels, 1977; Walberg, 1985 from Davis and Thomas, 1989), thus an effective program.
- *The degree of parental participation* was crucial as it strongly influences the effectiveness of a school. Schools are open systems, that is, systems that interact with the external environment (Ubben & Hughes, 1987 as cited by Davis and Thomas, 1989). Schools that involve parents help to make parents active participants in the education of their child.
- *The opportunities for extracurricular activities* was a variable that assessed the "completeness" of a school program. If children are encouraged and provided the opportunity to learn a musical instrument, play on the school basketball team, or learn sign language, their horizons are widened and the school becomes a more effective learning environment.
- *Support received by the district or other charter granting body by way of advice, funding, staffing* was instrumental. This support may be negative (poor advice, inadequate funding, no provision of promised special education staff), positive (valid and timely advice, timely funding, and help in staffing concerns), or neutral (some advice given with no guarantees of its accuracy, funding promised but not given in a timely manner, or provisions of some staffing concerns such as psychological testing for identification of disabilities in children). Support is very

important, especially to a newly opened school by people unaware of the various expectations and bureaucracies associated with operating a school in a particular state. Inability to meet compliancy issues as part of the charter school agreement may result in a charter being revoked, regardless of the performance of the children attending that school. Sergiovanni cites quality of support for students with special needs as a criterion of effective schools (Sergiovanni, 1991). To provide charters with appropriate support regarding children with special needs can only strengthen the school as well as the special education program.

- *The impact that autonomy has had on the charter school program* was important. As stated previously, some charter schools enjoy great freedom from various regulations imposed on other public schools. Principals need considerable autonomy to determine how to increase student achievement...The pivotal, causative feature of virtually every effective school is a principal with vision, energy, and a dedication to leading the staff and students toward better school attitudes and higher performance levels (Davis and Thomas, 1989.) Charter school principals not only need the autonomy within their very schools, but also autonomy to exercise the freedoms granted to them by their charters.
- Another factor involved *the administrators' knowledge of charter school legislation*. While charter legislation can be dry and confusing to many educators, it is crucial to understand the limits that can be tested with current charter school legislation. For example, a charter school group in suburban Chicago is unable to locate a suitable facility within the district that issued their charter. It is not specifically stipulated in Illinois charter legislation that the school site must be

located within the boundaries of the charter-issuing district. Being familiar with this law allowed this “homeless” charter school to locate to a suitable facility outside of the district that issued its charter and still serve the children in the district that issued its charter, via busing the students to the facility. Understanding of the law allows charter principals even greater freedom as they are allowed to test the limits of the law to their advantage.

A number of investigators have suggested that lack of the technical knowledge and expertise to administer a school and run a business is a critical issue facing charter school operators (Buechler, 1996; Corwin, Carlos, Lagomarsino, & Scott, 1996; McLaughlin, Henderson, and Ullah, 1996 as cited in Charter Schools and Students with Disabilities: A Review of Existing Data, 1998).

Data Collection

Data was collected via the return of surveys that was sent to a sampling of 800 charter school principals across the nation. It was hoped to receive at least a 25% return of approximately 200 returned surveys. Surveys that were filled out and submitted electronically would be done in an user-friendly format, requiring subjects to simply click on the “Submit” button after they finish entering the data. Clicking the “Submit” button automatically submitted all responses to this researcher followed by a thank you note to the respondent.

Data was collected from this researcher’s e-mail mailbox and cleaned via sorting through incomplete surveys and incorrectly completed surveys (although this was rare due to the electronic format that disallowed respondents from supplying more than one

response when inappropriate). The data was hand-entered into an SPSS-created database listing the thirty-five variables. Each variable response was coded for easy manipulation once all the responses had been gathered.

Each week after the initial electronic mail was sent to all subjects for two consecutive weeks, this researcher addressed a follow-up letter to subjects, reminding them to link to, and complete the survey. Directions and a hyperlink to the survey were provided a second and third time within the follow-up letter. It should be noted that, due to the anonymity of the survey return, it was impossible to determine who replied to the survey and who did not. Thus, all subjects received two follow-up reminders, regardless of whether they replied or not.

Basis for Choice of Survey Questions

The survey addressed various issues regarding charter schools and the delivery of special education and any related services within these schools. Numerous surveys offer information about charter schools and hundreds of surveys offer data on special education; this survey attempted to address concerns raised by actual charter school principals.

Survey Questions

A copy of the survey is found in Appendix A.

Respondent Pool

The respondent pool consisted of 207 charter school principals. Electronic mail messages were sent to a sampling of 800 charter school principals from the thirty-seven states with operating charter schools. These electronic mail messages can be found in Appendix B.

A proportionate amount of schools were chosen from each state and the District of Columbia to fairly represent schools from each area, when possible. The states of Arizona, Florida, Michigan, Texas, and California had the largest numbers of charter schools, and thus had more surveys sent and returned from these strong charter law states. The survey was a hyperlinked web page, which could be accessed through the e-mail or a browser.

Electronic mail addresses were obtained through a variety of ways: First, approximately 83 charter school resource centers throughout the country were contacted, as well as some state boards of education for charter school states. Secondly, resources from organizations like The Center for Education Reform and US Charter Schools were utilized for e-mail addresses. Finally, approximately 500 charter schools were called to obtain e-mail addresses. While this was a time-consuming endeavor, preserving the anonymity of respondents was believed to be worth the effort. In addition, this effort gave this researcher a chance to become more familiar with the school philosophies and numbers of schools.

Data Analysis

The data gathered was hand-entered into a SPSS database. Variables pertaining to general operation of a charter school and variables dealing with general special education questions were separated from questions dealing jointly with charter school identity and delivery of special education and related services. Frequency tables were the main analyses run on the variables. The general questions were pertinent in that they allowed the researcher to ascertain how comfortable or knowledgeable the respondent was with: 1) operating a school; or, 2) understanding special education. One concern that

this study wished to address was the understanding of the multitude of layers introduced when special education law and charter school law was combined. If a subject is uncomfortable or unknowledgeable about just one of these components, it only exacerbates the confusion when the two sets of law are expected to integrate.

Summary

This survey-based research examined the state of Special Education practices within a sampling of national charter schools. One initial concern of charter school opponents was the possible neglect of IDEA 97 and Section 504 mandates for students with disabilities enrolled within charter schools. This survey attempted to: assess the actual practice of servicing children with a free, appropriate, public education within charter schools, gather opinions about whether charter schools felt sufficiently supported by their sponsoring organizations in providing special education and its related services, and measure their comfort level with providing programs to special education students. While the IDEA and Section 504 are mandated provisions of every public school, there is often ignorance of what the IDEA and Section 504 specifically mandate, what the IDEA and Section 504 are, and how the IDEA and Section 504 applies to new and existing charter schools.

Further study of how Special Education and its related services are carried out in charter schools across the country were examined through a variety of sources, including data gathered by the US Department of Education in their annual national study of charter schools administered since 1994.

CHAPTER IV

RESULTS

This chapter reports the findings obtained by the main data source for this study – the web-based survey. The study had as its focus Special Education programs in a sampling of our nation's charter schools. The purpose of this study was to survey the principals of 800 charter schools in a random sample. The survey questioned the principals about basic services information, the principals' opinions about Special Education delivery, their knowledge of Special Education law as it relates to charter schools, which disabilities they feel should be served or excluded in charter schools, and how they were able to fulfill their charter school's mission in the presence of Special Education mandates.

It was the intent of this study to examine the actual presence and practice of Special Education in these new schools of reform – charter schools. The research question was as follows:

1. What is the current state of special education in our nation's charter schools?

This question has four parts:

- 1a. Which criteria of effective schools do charter schools meet?
- 1b. To what extent is special education implemented in charter schools?
- 1c. What special education services are being provided in charter schools?

1d. What related services are being provided in charter schools?

This chapter is divided into seven sections based on the matrix presented in the preceding chapter. These sections are: Method and Response, Familiarity with Charter and Special Education Law, Profile of Respondents' Schools, Parents in Charter Schools, Criteria of Effective Schools As Applied to Charter Schools, Extent of Special Education Implementation in Charter Schools, Special Education and Related Services in Charter Schools, and, Respondents' Opinions on Special Education in Charter Schools. The section on law and the latter four areas (Criteria of Effective Schools As Applied to Charter Schools; Extent of Special Education Implementation in Charter Schools; Special Education and Related Services in Charter Schools; and, Respondents' Opinion on Special Education in Charter Schools) focus on the central research question: What is the current state of special education in our nation's charter schools?

Method and Response

Eight hundred electronic mail (e-mail) messages were sent out to charter school principals across the country beginning January 15, 2001. Ninety-six messages were promptly returned due to an inactive or invalid address. A second attempt to send these messages was made before they were excluded from the sample. Four of the e-mail addresses belonged to people that were not principals of the charter school and their addresses were removed. Three e-mail messages were sent out over the course of three weeks to each address on the list, including an initial letter of introduction and two follow-up e-mails. Each correspondence included information about the study, directions on how to access the survey and a hyperlink to the actual survey on the World Wide Web

(Appendix C). Following the initial request, 85 completed surveys were returned.

Following the second contact, which was also the first follow-up reminder, 65 additional completed surveys were returned. Following the final contact in the form of a second follow-up reminder e-mail, 57 additional completed surveys were returned, providing a 25.9% return rate. A total of 207 completed surveys were returned. Respondents were asked 44 questions with most questions offering a multiple choice answer format. The questions in the survey yielded 100 variables for analysis. Thirty-seven states and the District of Columbia were included in the sample, which reflects all states with active charter legislation. A fairly proportionate number of responses by state were returned, reflecting the proportion of operating charter schools open in the 37 states and Washington, D.C.

Familiarity with Charter and Special Education Law

Table 7 provides data on the opinion of respondents regarding their familiarity with Special Education law. A total of 33.3% of the respondents felt that they were adequate in their familiarity with Special Education law, while 32.4% felt that they were strong in their familiarity with charter school law. One respondent stated, "The developer of our school has a strong special ed background." Only 1.4% felt that they were not sure at all

about Special Education law. One respondent raised an issue that concerns many special education advocates: "Most schools have opened their doors without any special ed policies and procedures - so even the school boards are unaware of special ed needs and services."

Table 7

Principal's Familiarity with Special Education Law

	Frequency	Percent of Sample
Strong	67	32.4
Adequate	69	33.3
OK	35	16.9
Can usually get by	23	11.1
Not sure at all	3	1.4
Missing Data	10	4.8
Total	207	100.0

Table 8 provides the opinion of respondents regarding their familiarity with charter school law. A total of 28.5% of the respondents felt that they were adequate in their familiarity with charter law; a slight majority of 51.2% felt that they were strong in their familiarity with charter law. No respondents indicated that they felt that they were not sure at all about charter law.

Table 8

Principal's Familiarity with Charter Law

	No. of Responses	Percent of Sample
Strong	106	51.2
Adequate	59	28.5
OK	25	12.1
Can usually get by	9	4.3
Missing Data	8	3.9
Total	207	100.0

Profile of Respondents' Schools

The variables regarding states where charters are located, grade levels served, length of time the school has been open as charter schools, total student enrollment, range

of students with various disabilities, and amount of time removed from the regular classroom are presented below (See Tables 9-16).

Table 9 indicates the number of responses received from each state with active charter legislation. States with the largest number of operating charters are fairly represented. Arizona, California, Florida, and Texas have totals of 408, 261, 151, and 182 charters respectively. The responses in this survey from Arizona, California, Florida, and Texas are 11, 16, 18 and 12 respectively. A number of states had a high rate of return compared to the number of charters actually operating in the state. For example, Massachusetts has 42 open charter schools and provided a high rate of return at 14 responses.

Responses to this survey came from 29 states and Washington, D.C. It should be noted that while 38 sets of charter legislation exist in the United States, some states with charter legislation do not have operating charter schools, such as New Hampshire and Wyoming. Virginia and Mississippi have charter legislation, but only one charter school currently operates in each state (Center for Education Reform, 2001). The states of Connecticut, Delaware, and New Mexico have existing charter legislation and 16, 8, and 11 operating charter schools, respectively, but no charter school principals from these states responded to the survey.

Principals were asked to indicate the grade levels that their school served. Respondents were given the option to check more than one grade level. The choices were: Primary, Elementary, Middle, K-8, Middle-High, 9-12, K-12, Ungraded, and Other. Table 10 indicates the grade levels served in the charter schools in this sample.

Table 9

States Represented in Sample

	No. of Responses	Percent of Sample
Alaska	4	1.9
Arizona	11	5.3
Arkansas	1	.5
California	16	7.7
Colorado	7	3.4
Washington, D.C.	6	2.9
Florida	19	9.2
Georgia	4	1.9
Hawaii	1	.5
Idaho	2	1.0
Illinois	8	3.9
Kansas	3	1.4
Louisiana	4	1.9
Massachusetts	14	6.8
Michigan	13	6.3
Minnesota	13	6.3
Missouri	6	2.9
Nevada	2	1.0
New Jersey	4	1.9
New York	3	1.4
North Carolina	14	6.8
Ohio	8	3.9
Oklahoma	1	.5
Oregon	5	2.4
Pennsylvania	7	3.4
Rhode Island	2	1.0
South Carolina	3	1.4
Texas	12	5.8
Utah	1	.5
Wisconsin	13	6.3
Total	207	100.0

While 276 responses pertaining to grade level were received, this total reflects the fact that some respondents chose more than one grade level. There was an even

distribution of grade levels served in charter schools, with high percentages of responses from schools serving grades 9-12 (25.9%), elementary grades (23%), and grades K-8 (20.6%). Most schools indicated serving more than one grade level such as primary and elementary or middle school, 9-12, and Middle-High. According to the United States Department of Education (USDOE), in a comparison to other public schools, almost 3 times as many charter schools spanned kindergarten through 8th grade (16 percent), almost 4 times as many charter schools spanned kindergarten through 12th grade (8 percent), almost twice as many charter schools spanned the middle-high grades (10 percent), and over twice as many charter schools had "other" grade configurations (5 percent) (Nelson, Berman, Ericson, Kamprath, Perry, Silverman, & Solomon, 2000).

Table 10

Grade Levels Served

	No. of Responses	Percent of Sample
Primary	31	15.0
Elementary	48	23.0
Middle	35	16.8
K-8	43	20.6
Middle-High	22	10.6
9-12	54	25.9
K-12	26	12.5
Ungraded	10	4.8
Other	7	3.4
Missing Data	6	2.9
Total	282	100.0

Table 11 indicates the frequency with which respondents indicated grade levels served. Charter schools are unique and tend to serve grade levels that may not be traditional. The grade level variables that were presented in the survey mirrored the grade level delineations that the U.S. Department of Education provided in their national

survey of charter schools that is conducted every two years. Seventy-three respondents identified their school as serving more than one grade level. The majority of respondents (146) indicated serving only one category of grade level.

Table 11

Number of Choices Indicated for Grade Levels Served

	No. of Responses	Percent of Sample
1 choice	146	70.5
2 choices	48	23.2
3 choices	16	7.7
4 choices	8	3.9
5 choices	0	.0
6 choices	0	.0
7 choices	1	.5
Missing Data	5	2.4

An effort was made to gauge how long the charter schools that are represented in the survey have been open as charter schools. Table 12 shows the length of time that the respondents' charter schools have been open.

Table 12

Length of Time Charter School Has Been Open

	No. of Responses	Percent of Sample
Opened doors in 2000	29	14.0
Open 1 year	31	15.0
Open 2-3 years	67	32.4
Open 4-5 years	52	25.1
Open 6 or more years	20	9.7
Missing Data	8	3.9
Total	207	100.0

Most of the charter schools responding to this survey have been open as charter schools 2-3 years (32.4%), while a small percentage (9.7%) have been open 6 or more

years. Since charter legislation is only 10 years old and most states have only recently enacted legislation for charter schools, this small percentage is not surprising. The size of charter schools is typically larger than 50 students (cumulatively 86.5%), although 13.5% have between 1 and 50 students.

Table 13 shows the student enrollment of the charter schools in the sample. Of the charter schools represented, 34.3% have more than 251 enrolled. There are 13.5% schools in the sample with a very small student enrollment (i.e. between one and fifty students). Charter schools tend to range in size from very small to very large student bodies. One principal responded, "Our enrollment is small: eight students." Another stated, "Our charter school serves 18 students." In contrast, another principal said, "Our charter school is a home school model with approximately 4000 students."

Table 13

Students Enrolled Per Charter School

	No. of Responses	Percent of Sample
1-50 students	28	13.5
51-151 students	65	31.4
152-251 students	43	20.8
More than 251 students	71	34.3
Total	207	100.0

Presence of Disabilities

In an effort to determine the presence of Special Education students in charter schools, respondents were asked to indicate the number of Special Education students they had enrolled in their schools. More specifically, respondents were asked to indicate how many of their students had primary and/or secondary labels of LD (Learning Disabled), BD (Behaviorally Disordered), ED (Emotionally Disturbed), SLP (Speech and

Language Pathology), EMH (Educable Mentally Handicapped), TMH (Trainable Mentally Handicapped), or Other (any other category of disability not specified here). These particular labels were culled from a United States Department of Education report and were considered to be the most universal. It is important to note that as the results were returned, different states and even different schools within the same state tended to utilize different labels from those presented in the survey or principals stated that they no longer categorized disabilities as presented in the survey.

Primary Disabilities

Table 14 indicates the presence of students with primary label disabilities in the charter schools in the sample. The labels include Learning Disabled (LD), Behaviorally Disordered (BD), Emotionally Disturbed (ED), Speech and Language Pathology (SLP), Educable Mentally Handicapped (EMH), Trainable Mentally Handicapped (TMH), and Other which encompasses any labels not listed such as Other Health Impairment (OHI) or Autism, are provided along the y axis. The number range of students with these labels that are present in each charter school are provided on the x axis. While respondents were asked to indicate the exact number of students with each disability in their schools, the responses were coded into ranges to make reading the data easier.

In studying Table 14, one can see that there is a presence of Special Education students in charter schools. It is not possible to determine the severity of these students' disabilities or even if they are being served, but the various Special Education labels are present. In studying the "missing data" figures, these figures include any blank input

boxes on the survey, which a respondent may have chosen to leave blank rather than indicate a value of “0”.

It is important to note that the survey was written in such a way that it was not possible to determine the percentage of students with these disabilities in relation to the size of the school. Therefore, one cannot ascertain if the number of Special Education

Table 14

No. of Charter Schools with Ranges of Students Identified by Primary SPED Label

	LD	BD	ED	SLP	EMH/TMH	Other
0-10 students per school	84	70	73	95	52	5
11-20 students per school	35	4	4	16	1	1
21-30 students per school	25	4	2	5	0	0
31-40 students per school	4	1	1	3	0	0
41-50 students per school	5	0	0	3	1	0
51 + students per school	11	0	1	1	0	1
Missing Data	43	128	126	84	153	200
Total	207	207	207	207	207	207

students is proportional to other public schools, nor are we able to tell the exact percentage of Special Education students in charter schools. Still, these figures are significant in that one can see that students with various Special Education disabilities are in attendance at charter schools. One school did offer the following, “Our EC [Exceptional Child] population has recently grown to 30% of our total school enrollment. This is almost twice as high as that of the LEA [Local Education Agency].” Another stated, “My school serves all special ed students on a reg. ed. charter school’s campus.”

In attempting to assess the presence of students with disabilities in charter schools, the survey asked for specific numbers of students with various disability labels. Overall the results show that children with disabilities are present in charter schools. The specific disabilities of Learning Disabled, Behavior Disabled, Emotionally Disordered, Educable Mentally Handicapped, and Other are listed as categories in the survey for respondents to indicate numbers of students with corresponding disability labels. Each disability label was indicated as being served in at least one of the charter schools, but no school offered services for all disability labels. Additionally, some schools identified significantly greater numbers of students with disabilities than did others. Examples include respondents who stated, “We offer an all special education pre-kindergarten program”; and “We are a school that serves predominantly deaf children”; and, “All of our students are autistic.”

The data also indicate that most respondents enroll small numbers of students with the various disability labels, generally between 1 and 10 students per school. It should be noted that respondents were not prompted to provide overall percentages of students with the indicated disabilities, but rather to give approximate numbers of students with these labels. This was done in an effort to ensure simplicity in filling out the survey, making it more likely that respondents would finish the survey. In a pilot test of the survey, when respondents were prompted to provide percentages of students with the various disability labels, 80% of the respondents skipped this section entirely. When prompted for approximate numbers, all respondents provided at least some data. According to the United States Department of Education, in 1998–99, charter schools enrolled 3 percent

fewer students with disabilities than all public schools (8 percent versus 11 percent) in the 27 charter states (in 1997–98). In comparison, the percentage of students with disabilities in charter schools and all public schools was within 5 percent in most states. Ohio was the only state where the percentage of students with disabilities was at least 5 points higher in charter schools than in all public schools. The percentage of students with disabilities was at least 5 points lower in charter schools than in all public schools in six states: Alaska, Connecticut, Delaware, Louisiana, Michigan, and New Jersey (Nelson, Berman, Ericson, Kamprath, Perry, Silverman, & Solomon, 2000).

The number of students with Individualized Education Plans (IEP's) also indicates that students with disabilities are present in the charter schools, albeit in small numbers. Only 5 schools declined to provide numbers of disabled students and the 202 schools that did respond showed significant numbers of students with IEP's (44.4% served between 0-15 special needs students and 23.7% served between 16-30 special needs students). Additionally, the students that attend charter schools may be evaluated for Special Education since systems are in place in 197 of the 207 schools to do so. The quality or extent of such evaluations was not questioned, but evaluations are taking place.

Secondary Disabilities

Secondary labels are applied to children who have been identified as having an additional disability that is not as prominent as the primary disability. While primary disabilities are the main concentration of special education and/or supportive services for a child, secondary disabilities are usually less prominent and typically receive less minutes of concentration on IEP's. For example, a child may have a primary Learning

Disability label and be mandated to receive 600 minutes of services for this disability.

He/She may also have been identified as needing some intervention in his/her speech and be labeled as having a secondary disability of Speech and Language Pathology, requiring 120 minutes of services for Speech services. The presence of a secondary label does not necessarily mean that this child is doubly challenged, but rather needs extra assistance in another area besides his/her primary disability area such as social work services, or another health impairment (OHI). This is not to say that all secondary disabilities are minor as a child may have a significant secondary disability that requires a considerable amount of time for special services, however, it is typical that secondary disabilities are minor disabilities compared to the child's primary label. Not all Special Education students have a primary and a secondary label. Table 15 depicts the range of students with secondary disabilities present in the sample.

Table 15

No. of Charter Schools with Ranges of Students Identified by Secondary SPED Label

	LD	BD	ED	SLP	EMH/TMH	Other
0-10 students per school	28	16	20	37	0	55
11-20 students per school	4	4	1	6	0	2
21-30 students per school	3	1	0	1	0	5
31-40 students per school	0	0	0	0	0	2
41-50 students per school	0	0	0	0	0	1
51 + students per school	0	0	0	2	1	4
Missing Data	172	186	186	161	206	138
Total	207	207	207	207	207	207

Unlabelling Special Education Students

There is a concern when schools attempt to “unlabel” a child, (when a school has decided that the child no longer identifies a child as having a disability), an action which obviously would remove the school’s obligation to provide Special Education or related services. Different views of this practice were offered by several respondents, with one respondent stating, “We have students that the home district has identified... We, legally, then try and “unlabel” them but meet incredible resistance from the parents” while another states, “We have a lot of parents who specifically request that IEPs implemented before enrolling at [our school] be discontinued and the child mainstreamed. They want their children's needs addressed, but many are really unhappy with the labels and treatment in the traditional system.” Some of the respondents felt that labels could be eliminated with sufficient resources as one respondent stated, “Since we personalize lessons for all students, emphasize using a variety of instructional techniques, and use standards-based assessment, we have not found the need for IEP's.” Another explained, “[We have a] strong tutorial program during and after school [which] helps to avoid need to classify.”

Model for Instructing Special Education Students

Table 16 indicates whether special services were provided in the regular classroom or outside the regular classroom. Federal guidelines require that special education students be educated in the least restrictive environment (LRE). This means that a child is removed from his/her non-disabled peers for Special Education and/or related services only if programming in regular education does not meet the child’s IEP.

If the services can come to him/her in the regular classroom, that should be done.

There is a special emphasis on keeping children with special needs with his/her non-disabled peers as much as is feasible. It should be noted that each child's LRE is different and it may be that one student's LRE is a regular classroom, while another student's LRE is a self-contained classroom. This decision is made by the team that coordinates the child's IEP.

This question was included on the survey to try to gauge if Special Education students were simply being placed in "resource rooms" instead of trying to include them in the regular classroom. This survey was not designed to determine if these placements were appropriate, but rather, to see if there was a trend of Special Education students being removed from the regular classroom more so than being "included." These percentage ranges again mirrored the survey of charter school conducted by the US Department of Education every two years.

Students who are removed from the regular classroom 0-20% of the day are generally classified as being part of an inclusion program. The range of students who are removed from the regular classroom 21-60% of the school day are generally classified as being part inclusion/ part pull-out program, depending on the number of minutes each child is mandated to receive special services. The range of students who are removed from the regular classroom 61-100% of the school day are generally classified as a having a resource room setting or an 'instructional program,' depending on the number of minutes each child is mandated to receive special services per week.

In assessing how children with disabilities are served in the respondents' schools, the majority of the respondents (62.8%) provide mostly inclusionary Special Education services for their students by removing them from the regular classroom 0-20% of the school day; only 13% provide Special Education and services in a setting removed from the regular classroom 61-100% of the school day. It should be recognized that while children are expected to receive services in the regular classroom to the maximum extent possible, the 13% that receive services outside of the regular classroom for most of the day may, in fact, be in their least restrictive environment. One necessary point to keep in mind is that the existence of charter schools specially created for special needs students most likely skews this data. For example, a charter school that serves 100% autistic children will state that they educate in an inclusionary setting since the children are educated in the "regular" classroom. The "regular" classroom, however, is actually a classroom designed to serve the needs of autistic children, which in a typical public school would be considered an instructional setting or a 61-100%-removed model.

Inclusion concerns can be best summed up by one respondent's comment, "I am a strong advocate of inclusion and know that inclusion does not mean that all students are best served in a regular ed setting. The least restrictive environment guidelines must be considered foremost in determining a child's placement. In the case of a small charter school with limited resources, the reality is that we may be unable to serve students with severe or profound needs. We look at each child case by case."

Table 16

Range of Students per School By the Percentage of Time Removed from Regular Classroom for SPED

	0-20% Removed	21-60% Removed	61-100% Removed
0-10 students	48	24	15
11-20 students	43	6	5
21-30 students	13	4	5
31-40 students	14	2	1
41-50 students	6	1	1
51-60 students	3	2	0
61-70 students	0	1	0
71-80 students	0	2	0
81-90 students	2	0	1
91-100 students	0	0	1
101+ students	4	0	0
Missing Data	74	165	178
Total	207	207	207

Parents in the Charter Schools

Respondents were surveyed on parental involvement, and a number of qualitative comments were offered regarding parents, Special Education, and charter schools. Some respondents felt that parents were “manipulative” when they try to secure the services to which their child is rightfully entitled. For example, one respondent said, “Unfortunately, because we are small, parents try to manipulate what is right for the charter to offer/give a student through his/her IEP [Individualized Education Plan].” Other schools found parents to be pleased with the treatment and services that their special needs child received at the charter school with comments such as “We have found that the local

district is doing its best to send as many Special Ed (and otherwise difficult-to-serve) students to our charter school as possible. However, the upside of that is that we have parents who are deliriously happy because their kids are finally getting the services they need.” There is some concern that charter schools may be trying to counsel out certain special needs students as evidenced by subtle comments like: “I think the charter school should help guide the parents to a program that would best serve their child’s needs. I think that responsibility should be placed on the charter school,” and “The mission of the charter school (and) the ability of Special Education students to benefit from the curriculum offered should be the determining factor of whether a student should be accepted for a charter school.” And “I...feel that as a small school we simply do not have the resources to handle some of the severely emotionally disturbed students that come to our school. When we try to recommend an alternative placement- we are discriminating.”

Criteria of Effective Schools as Applied to Charter Schools

In an effort to gauge the effectiveness of the charter schools in this study, five of Sergiovanni’s eight criteria of effective schools were used (1991). These criteria were: 1) Improved test scores; 2) Improved attendance; 3) Community and parent participation; 4) Student participation in extracurricular activities; and, 5) Quality of support for students with special needs. This section will respond to the first four criteria. The following section presents the fifth criterion in more depth, as it responds to the main research question of this study.

Test Scores - The first criterion of effective schools as presented by Sergiovanni is improved test scores; while the survey did not ask for growth on standardized tests, the

survey did ask principals for current standardized test scores in Mathematics and Reading. Respondents were asked to provide the school's percentile scores based on the most recently administered standardized test.

Table 17 presents the most recent standardized total Reading score. A significant percentage of schools (22.7%) do not have available data. A small percentage of schools (1.9%) were doing poorly, scoring at or below the 20th percentile, while 40.6% of all schools indicated scores above the 60th percentile.

Table 18 presents the standardized total Mathematics score of the schools. A significant number of schools (48 schools) did not provide data. A small number of schools, six total, were doing poorly by scoring at or below the 20th percentile. In comparing Math and Reading, one can see that one school reported Reading scores, but did not report Math scores.

Table 17

Standardized Total Reading Score by National Percentile Rank

	No. of Responses	Percent of Sample
80% or higher	36	17.4
60-79%	48	23.2
40-59%	44	21.3
20-39%	20	9.7
Less than 20%	4	1.9
No data available	47	22.7
Missing Data	8	3.9
Total	207	100.0

The Mathematics and Reading total scores on the respondents' most recently taken standardized test are generally good. Small percentages of schools (11.6% in Reading and 11.1% in Math) score below the 40th percentile (NPR), while

Table 18

Standardized Total Math Score by National Percentile Rank

	No. of Responses	Percent of Sample
80% or higher	29	14.0
60-79%	49	23.7
40-59%	50	24.2
20-39%	17	8.2
Less than 20%	6	2.9
No data available	48	23.2
Missing Data	8	3.9
Total	207	100.0

significant percentages score well above the 60th percentile (40.6% in Reading and 37.7% in Math). It should also be recognized that a significant number of schools (47 for Reading and 48 for Math) report that no data is available. While this may be attributed to recent school openings (2000), only 14% indicated on an earlier question that their school opened in 2000: "As far as our low test score data that was provided for reading and math, as we have only been in operation for one year, we do not have any scores to compare to." Since state assessment reporting requirements were not addressed by the survey, it is not possible to determine if the respondents indicated "No data available" due to a lack of data or because they did not wish to share test data. Several respondents offered various reasons for this discrepancy, "Our aggregate standardized test scores are not calculated as it is presented here," and "In the standardized tests that are administered, we look at scores in a different way than your questions state above. I can't give you an exact percentage out of 100% that students achieve. We look at how many students are on or above grade level. This is how the results are received."

Attendance - A second criterion of effective schools is a high average daily rate of attendance. Table 19 shows the average daily attendance of charter schools in the sample. A 95-100% rate of daily attendance was reported by 47.8% of the schools. In reading the qualitative comments, it was noted that one school was a home school, in that parents taught their children and used the "school" as a resource center. It is unclear how attendance is reported in schools such as this. It is also unclear how many such schools serve their students in untraditional ways such as "home school" and a school that conducts online classes to students in their homes.

Parental Involvement - A third criterion of effective schools was identified as a high level of parental involvement or participation within the school. Respondents were asked to indicate the role that they play in involving parents. Respondents were given

Table 19

Average Daily Attendance

	No. of Responses	Percent of Sample
95-100%	99	47.8
85-94%	78	37.7
70-84%	22	10.6
50-69%	2	1.0
Below 50%	1	.5
Total Responses	202	97.6
Missing Data	5	2.4
Total	207	100.0

the option to check more than one variable pertaining to parental involvement. The 6 variables were: Attend parent organization meetings, Schedule time regularly to meet with parents in a group, Ask parents to become involved with school day, Parents help to make decisions about school curriculum, schedules, etc., Other parental involvement,

and, Parent organization is not strongly encouraged. Table 20 indicates the various parental involvement opportunities that take place in the respondents' charter schools. All respondents answered this question; only 12 respondents do not encourage parental participation in their schools. Parents are very much involved according to the data with only 1.7% of the schools discouraging parental participation.

Many respondents chose more than one variable concerning parental involvement. Table 21 indicates the number of parent involvement variables that respondents indicated per survey.

Table 20

Principals' Involvement of Parents

	No. of Responses from Sample
Attend parent organization meetings	149
Schedule time regularly to meet with parents in a group	118
Ask parents to become involved with school day	151
Parents help to make decisions about school curriculum, schedules, etc.	101
Other parental involvement	157
Parent participation is not strongly encouraged	12
Missing Data	1

Activities - A fourth criterion of effective schools was identified as the availability of extracurricular activities for students at school. Respondents were given the option to check more than one variable pertaining to extracurricular programs. The five variables were: Sports teams, Language clubs, Music lessons/Choir/Band, Art Enrichment, and, Other. Table 22 indicates the type(s) of extracurricular activity offered in the

Table 21

Number of Choices Indicated by Respondents on
Parent Participation Question

	No. of Respondents
1 choice	27
2 choices	42
3 choices	49
4 choices	53
5 choices	42
6 choices	2

respondents' schools. The majority of respondents offered some type of extracurricular activity in their schools; 22 respondents did not provide a response to this question either because they did not offer extracurricular activities or they skipped the question altogether.

Extracurricular programs are in place in most charter schools. Half of all schools (50.2%) offer some type of sports program after hours and 60.4% offer some other activity than those suggested in the survey, although no respondent provided an example of any other activity. While 22 principals did not provide a response, it is uncertain whether they do actually offer extracurricular programs, yet skipped this question, or, they did not offer any extracurricular programs.

Table 23 indicates the number of extracurricular variables that respondents indicated per survey. Many respondents chose more than one variable of extracurricular activities pertaining to their school. Respondents could select up to 6 responses.

Class Size - Research indicates that smaller class size is related to higher achievement. Less than 15 students per class is optimal for learning (Smith & Glass,

Table 22

Extracurricular Programs Available to Students

	No. of Responses
Sports teams	104
Language clubs	38
Music lessons/Choir/Band	87
Art Enrichment	90
Other	125
Missing Data	22

Table 23

Number of Choices Indicated by Respondents on
Extracurricular Activities Question

	No. of Respondents
1 extracurricular choice	56
2 extracurricular choices	52
3 extracurricular choices	38
4 extracurricular choices	28
5 extracurricular choices	11
NO extracurricular choices	22

1980; Stallings, Fairweather, and Needels, 1977; Wallberg, 1985 *from* Davis and Thomas, 1989). Table 24 indicates the average class size of the charter schools in the sample. A slight majority of the respondents (51.2%) have an average of 15 - 22 students per class. A small percentage (1.4%) has more than 30 students per class. The class size in the schools was relatively small, in that the majority of the respondents (51.7%) had class sizes of 15-22 students.

Table 24

Average Class Size

	No. of Responses	Percent of Sample
Less than 15 students per class	50	24.2
15-22 students per class	106	51.2
25-30 students per class	46	22.2
More than 30 students per class	3	1.4
Total	205	99.0
Missing Data	2	1.0
Total	207	100.0

The fifth criterion of effective schools is the quality of support for students with special needs within a school. The following section presents the variables that were used to measure the existence or quality of support for Special Education students in the charter schools.

Extent of Special Education Implementation in Charter Schools

This section provides data on Special Education students in charter schools. Data is provided on the number of students with IEP's [Individualized Education Plans], the number of students evaluated per school, and opinions of respondents regarding which Special Education mandates with which charter schools are obligated to comply with and from which mandates they believe they are exempt.

Table 25 indicates the students with Individualized Education Plans (IEP's) at each school. Of the sample, 44.4% of the schools had a range of 0-15 students with IEP's in their charter schools while 14% had more than 60 students with IEP's. A small percentage, 2.4%, of the respondents did not indicate having a student with an IEP in their school.

Table 25

Number of Students with IEP's in Respondents' Charter Schools

	No. of Responses	Percent of Sample
0-15 students	92	44.4
16-30 students	49	23.7
31-45 students	23	11.1
More than 46-60 students	9	4.3
More than 60 students	29	14.0
Total	202	97.6
Missing Data	5	2.4
Total	207	100.0

Table 26 indicates the number of students who have been evaluated for Special Education in the schools within the last year. In the sample, 33.3% of the schools have evaluated between one and five students for Special Education services within the last year, and 25.1% have evaluated more than 15 students in the last year. Ten respondents have not indicated evaluating a student for Special Education within the last year.

Table 26

Number of Students Evaluated for SPED Within Last Year

	No. of Responses	Percent of Sample
1-5 students	69	33.3
6-10 students	48	23.2
11-15 students	28	13.5
More than 15 students	52	25.1
Total	197	95.2
Missing Data	10	4.8
Total	207	100.0

One respondent stated, "Our program has added a Charter School to our Alternative Education program. We have been in operation for several years and serve mostly students with behavioral IEP's. As a Charter School we are now getting students

who are beginning to show signs of difficulty but have not been referred or evaluated for IEP services. These students are coming to new school as a result of parent or self-referral. We have a very unique situation here in that we are a military academy that specializes in dealing with at risk youth. We are not a boot camp, but a fully accredited middle and high school program.”

Table 27 provides data on the perception of respondents regarding which Special Education mandates, if any, with which charter schools were expected to comply, specifically the Individuals with Disabilities Education Act of 1997 (IDEA 97), Section 504 of the Rehabilitation Act of 1973 (Section 504), state-issued mandates, and district-issued mandates.

Table 27

Opinion on Expected SPED Compliance for Charter Schools

	No. of Responses	Percent of Sample that Believe that Charters are Held to This Expectation
Have to comply with IDEA 97 requirements	181	87.4
Have to comply with state-issued SPED mandates	176	85.0
Have to comply with Section 504 requirements	186	89.9
Have to comply with district SPED mandates	111	53.6
Waived from most of these requirements	6	2.9
Waived from ALL of these requirements	0	.0
Missing Data	2	.3

A majority (87.4%) of the respondents understood that charters were expected to comply with IDEA 97, as in fact, charter schools are expected to do. A majority (85%) also felt that they were mandated to comply with state-issued Special Education mandates. Since the state monitors that these federal mandates are followed, charter schools ARE expected to comply with state-issued mandates. A majority (89.9%) of the respondents felt that charter schools were expected to comply with Section 504, as in fact, charter schools are expected to do. A slight majority (53.6%) felt that they were expected to comply with district mandates. Whether charter schools are, in fact, expected to comply with district mandates varies by state. It is important to note that 97.1% felt that charter schools were not waived from most Special Education requirements. On the whole, 100% of the respondents felt that they were not waived from all Special Education requirements.

Some respondents expressed concern about the confusing intersection of federal special education law and state charter law. For example, "Each state seems to have a different opinion of how charter schools and special education laws are to interface. It was just this year that our district conceded to responsibility for special ed. students at our school because we are part of the LEA (local educational agency). This took a lot of communication to get that understood," and "[There is a] lack of coordination (by state mandate or other direction) between the public school districts and charters in regard to the extensive child find requirements, i.e. assisting private schools in your attendance area to identify, locate and serve handicapped students - charter schools do not have the resources to provide for their own special ed students, much less for the private schools in

their area. Additionally, the state has interpreted that this law applies to home-schooled students as well - where do charter schools even begin in that effort?" Other respondents were more tight-lipped about their compliance concerns with comments like, "We educate all students as the law says you should," and "It should be sufficient to state simply that _____ [Charter School] shall be assertive in complying with all district, state, and federal policies, procedures, regulations, and laws in the best interest of all students with special needs."

Table 28 shows the amount of time devoted to staff development that pertains to Special Education. Respondents were asked to indicate the frequency or expectation of staff development activities regarding Special Education given in their schools. A majority of the respondents (63.8%) stated that they conducted ongoing Special Education staff development in their charter schools. A total of 9.2% expected Special Education staff to handle any matters regarding Special Education.

Table 28

Occurrence of SPED Staff Development Activities

	No. of Responses	Percent of Sample
In-serviced at beginning of year	24	11.6
Ongoing staff development	132	63.8
Minimal - no in-service time	23	11.1
SPED staff handle all SPED matters	19	9.2
Total	198	95.7
Missing Data	9	4.3
Total	207	100.0

Special Education and Related Services in Charter Schools

This section provides data on the specific special education services offered in charter schools and who provides these services. Table 29 provides details about the special education related services that are provided in the charter schools. The most frequently utilized service is that of the Special Education teacher (79.7%). Of the sample, 3.4% of the respondents offer no services in their schools. Many schools offered more than one related service. While not all schools offer all categories, every category of related services is being offered in charter schools in the United States.

Table 29

Related Services Provided at Sample's Charter Schools

	No. of Responses	Percent of Sample that Provide the Service(s)
Special Education teacher	165	79.7
Psychological services	124	59.9
Speech and Language Pathology	139	67.1
Audiology	30	14.5
Counseling services	106	51.2
Medical services	16	7.7
School nurse services	82	39.6
Occupational therapy	75	36.2
Orientation and mobility services	7	3.4
Parent counseling and training	52	25.1
Physical therapy	36	17.4
Rehabilitation counseling	6	2.9
Transportation	51	24.6
Other	20	9.7
None	7	3.4

Table 30 details the number of respondents that indicated one or more variables pertaining to related services. There is a wide range of services offered with some charter schools offering few services to one charter school, which offers up to 11 related services. Five respondents refrained from answering this question.

Several respondents expressed the desire to provide services but was concerned about their ability to do so. For example, one respondent said, "I do not think that Public Charter Schools can realistically be expected to meet all the special ed requirements that a larger district can. On the other hand I believe that it is important to the idea of school choice that any student be given the opportunity to enroll in any school available

Table 30

Number of Related Services Provided at Sample's Schools

	No. of Responses	Percent of Sample
1-3 services	47	22.7
4-6 services	56	27.1
7-9 services	24	11.6
10-11 services	4	1.9
Missing Data	5	2.4

in their community, regardless of needs," and "Special education services are critical in maintaining our public school status. We are not meant to be an elitist program. We are supposed to be able to provide a better or more appropriate education to our students in meeting their individual needs."

Table 31 indicates who provides Special Education services in the charter schools. A majority of the schools (79.2%) have hired their own staff to administer services in their schools. Contracted staff (43.5%) are also utilized frequently to administer Special

Education services. A small percentage (2.4%) of the respondents have not indicated who provides services in their schools.

One respondent expressed concern about being forced to rely on the district for provision of services: "Small enrollment schools do not have enough sped money to provide their own sped services, therefore [they] have to rely on provided services from the school district. These may, or may not, provide the most appropriate methodology for the mission/curriculum of the charter school (e.g. this school serves only language learning disabled/dyslexic students. If sped methodology was successful in remediating these students with reading difficulties, there would not be a need for an alternative/charter program)."

Table 31

Provider of SPED Services in Sample's Charter Schools

	No. of Responses	Percent of Sample Utilizing Provider
District	68	32.9
Charter-hired staff	164	79.2
Contracted	90	43.5
County	5	2.4
State Department of Education	1	.5
University Sponsor	5	2.4
Other	14	6.8
Missing System	5	2.4

Respondents' Opinion on Special Education in Charter Schools

This section provides data on who provides services in the schools; respondents' opinion in the areas of students' needs, if and how serving Special Education students

interferes with a school's goal or mission, and if charter schools are appropriately considered in the areas of funding, appropriate staffing needs, general charter support, and general resources. Respondents were asked to indicate the degree of freedom that charter schools experience, whether charters should be expected to serve severe and profound students; and, on whom principals rely upon for support in handling Special Education matters.

Table 32 provides data on the opinion of charter school principals regarding how well the needs of the special education (SPED) students in their schools are met. A majority, 61.3%, felt that the needs of the Special Education students were well met. Only 3.9% felt that Special Education students' needs were not met.

Table 32

Respondents' Opinion on How Well SPED Students' Needs Are Met

	No. of Responses	Percent of Sample
Needs well met	127	61.4
Needs met somewhat	64	30.9
Needs not met	8	3.9
Total	199	96.1
Missing Data	8	3.9
Total	207	100.0

Table 33 provides the opinion of respondents on whether serving all students interferes with the specific educational mission or goals of their charter school. In particular, 48.8% felt that serving all students does not interfere with their mission. The remainder of the responses was divided between 21.7% who felt that serving all students did indeed impede their school's goals and/or mission and 27.5% who felt that serving all students partially interferes with their educational mission/goals. Four respondents declined to answer this question. To ensure that students' needs were well met, several

respondents stated that they had the capability to send the child back to the district which could “better” serve the child. For example, a respondent states, “Students whose needs require special classrooms, personal aides, or specialized care which is NOT part of the charter school program may be referred back to the local district. The charter school must have a program which is required by IEP, but does not have to create a special program to accept sped students if it is not already in place.” Another stated, “Any student who needs special support and can meet the standards of our school, would constitute an appropriate placement. Any student who requires that the curriculum be modified in order to achieve success, would not constitute an appropriate placement.”

Table 33

Respondents' Opinion on Whether Serving ALL Students Interferes with Goals/Mission

	No. of Responses	Percent of Sample
Yes, interferes with mission	45	21.7
No, does not interfere with mission	101	48.8
Partially interferes with mission	57	27.5
Total	203	98.1
Missing Data	4	1.9
Total	207	100.0

Respondents indicating that the expectation to serve all Special Education students regardless of disability or severity interfered with their charter school's educational mission and/or goals were asked to identify the area(s) that challenge their school's program. Table 34 presents the ways that serving all students interferes with their school's program. Responses were divided among the various areas. The number of missing responses and the “Not indicated” responses approximately equal the number

of respondents who indicated that serving all students does not interfere with the school's mission in Table 33.

This question prompted much commentary from respondents. Some expressed hostility about the mandate to include special education with comments such as: "When it comes to serving special education students, if that is the mission of school then that is perfectly fine. But if that is not the focus of your charter then I feel we shouldn't be forced to accept that student;" and, "The mission of the charter school (and) the ability of Special Education students to benefit from the curriculum offered should be the determining factor of whether a student should be accepted for a charter school;" and, "I

Table 34

Respondents' Opinion on How Serving SPED Interferes with School's Mission/Goals

	No. of Responses	Percent of Sample that Feel SPED Interferes with School Goals/Missions
Financial strain	66	31.9
Challenging Curriculum	45	21.7
Appropriately certified staff	42	20.3
Insufficiently trained regular education staff	28	13.5
Severity of students' disabilities	41	19.8
Unavailability of space or inaccessible building	36	17.4
Not applicable	26	12.6
Missing Data	76	36.7

find it frustrating that parents of severe ESE pupils find our small, family-like school attractive... It is not our mission, and to rededicate our mission to these special needs kids would deny the intentions of the founding members of the charter;" and, "The

requirement to serve any student who applies to our school does not allow us to decide whether or not we can meet our requirements.”

Other respondents were very positive in their expectation to educate special education students in their schools: “I see even moderately mentally retarded students flourishing in the mainstream programs of at-risk high school charter schools, out of the self-contained black holes of our public schools. When you see this happen, you realize that a charter school can be a thing of beauty;” and, “Mostly, I am concerned with a real or perceived fear of SPED [Special Education] students. They do not ruin your program – they enhance it.”

Additionally, it is important to mention that there were a number of charter schools that specifically serve students with special needs. Some respondents stated, “We accept all students that meet the criteria for the facility. Usually the facility is only able to admit students with emotional or learning disabilities;” and “We are an all special education pre-kindergarten program offering small class size, individual therapies, and parent involvement;” and, “Our school was created to serve student Pre-K - 5th grade. Eligibility criteria: Non-ambulatory & Non-verbal...Families are very happy. We emphasize academics, communication and independence. Our mission is to provide the best foundation for learning so that the student can be included into a regular class someday;” and, “Our school is a self-contained preschool for students with disabilities;” and, “Our school is filled 100% with SLD students;” and finally, “Our charter school is in residential treatment facilities.” One charter school principal noted: “Some charter schools are becoming magnets for Special Ed students.”

Table 35 provides the opinion of respondents on the question of whether charter schools should be expected to serve students with severe and profound disabilities. Of the sample, 31.4% of the respondents felt that some of these students, but not all, should be served. Another 24.5% of the respondents felt that charter schools should be expected to serve most severe and profound students, but not all. Only 20.3% of the respondents felt that all students should be served, regardless of disability, while 19.3% of the respondents felt that charters should not be expected to serve severe/profound students.

Table 35

Respondents' Opinions on Whether Charters Should Serve Severe/Profound Students

	No. of Responses	Percent of Sample
Yes, serve all	42	20.3
No, serve none	40	19.3
Serve some, not all	65	31.4
Serve most, not all	50	24.2
Total Responses Rcvd	197	95.2
Missing Data	10	4.8
Total	207	100.0

There was quite a bit of concern about the requirement of serving special needs students. Several respondents offered the following comments: "Charter schools are established for all kinds of reasons, so it might be appropriate for some schools not to serve special needs students;" and, "I...think that profound special ed needs need to be met by specialized schools and services, and not through Charter Schools. We do not have the resources or funding to give these children the best education possible." Others were almost hostile in defending their mission with comments such as: "We have a specific curriculum, Montessori, and we are a SCHOOL OF CHOICE. I feel strongly

that we should not be asked to make accommodations, which directly conflict with our educational philosophy;" and, [Charters]...should not have to accept severe/profound students IF THAT IS NOT THEIR MISSION." One respondent stated, "I believe that IDEA 97 goes too far with the mandate that we must serve emotionally disturbed and very violent youth. A special school should be created by the state to house and serve youth who are a danger to schools. No public school should have to serve these youth!!"

Table 36 provides data on the opinion of charter school principals regarding how well funding issues are thought out pertaining to charter schools. A majority (56.5%) felt that consideration given to charter schools on funding issues was insufficient. Of the sample, 40.1% of the respondents felt that funding for charter schools was appropriate. Despite this high satisfaction rate, this issue prompted much commentary.

There were thirty-three respondents who provided written commentary on funding issues. Many respondents were concerned with the funding structure: "Federal and State funding is all at least one year behind. Example: federal funds for a special education student enrolled in August 1999 will first arrive March 2001. The district will not pass on the special education funds for John Doe, because they are being reimbursed for the prior year's services;" and, "In Minnesota, the money goes to the district sponsoring the charter school and then we have to go through a long and elaborate process of billing the district for what we are doing. They have the right to challenge our billing and quite often do not pay on time or at all. This incurs costs for the charter school that already has financial obligations. Many times we must appeal to the state board of education and this takes even more time. We deserve the money for our services and even more access to

the resources that the larger districts have;" and finally, "There is a need for Charter schools to be able to access Medicaid reimbursement for related services and evaluations." Facilities funding was another issue that prompted commentary: "Funding is a constant issue as we must pay for all facilities and we have such a small school population that it is hard to [pay for] differentiated services at a reasonable cost;" and, "Charter schools are not provided money for building, cost, renovation, and certain materials." Moreover, there is an overall feeling that charters must be funded at the same level that traditional public schools are funded. Charters do not have the power to pass bond referendums or even to receive the same per pupil allotments as their traditional public school counterparts and it really affects the charter's bottom line as can be evidenced by the following comments: "We could not afford to provide the intensive care necessary for a severe/profound child. It would destroy our budget;" and, "More funding needs to be provided to charter schools in an effort to serve students with more serious disabilities. Charter schools do not have a tax base and thus many have to rely on fund raising activities;" and, "Since charter schools are expected to comply, within the parameters of their charter, with federal legislation regarding special education, they should be able to deliver expected special education services by using existing local, state, and federal resources;" and frustrations such as, "Why should a charter school have to hire one salaried personnel for \$30,000 to work with one emotionally disturbed student- especially when we have 236 that cannot read and really could use that funding to hire another reading/writing teacher." Overall, the feeling can be summed up by the following comment, "First, if we are going to be responsible for special ed, we MUST

HAVE FUNDING. Secondly, it is ludicrous to think that a small charter school would have the same specialists and resources that the traditional public school district next door has.”

Table 36

Respondents' Opinion on Whether There is Sufficient Funding Consideration for Charters

	No. of Responses	Percent of Sample
Sufficient consideration	83	40.1
Insufficient consideration	117	56.5
Missing Data	7	3.4
Total	207	100.0

Table 37 provides data on the opinion of charter school principals regarding how well staffing issues are handled pertaining to charter schools. There was a split in opinion as 47.8% felt that consideration provided to charter schools on staffing issues was insufficient while 48.8% of the respondents felt that staffing issues were well considered. This can include consideration on alternative certification for Special Education staff or providing sufficient personnel to provide related services in charter schools that fall under a district's LEA.

Nineteen respondents provided written commentary on concerns about staffing. There is the ongoing concern that schools have great difficulty locating appropriately certified staff, as evidenced by comments like: “It is difficult to hire licensed staff; mainly because the larger districts can pay several thousand dollars more than the charter schools;” and “The biggest problem we have had with the delivery of special education services in charter schools fall into one area. We have had a great deal [of] difficulty in finding good special education teachers, who are flexible in their thinking, and able to think outside the box to find solutions for students. Often students who enroll in charter

schools have problems that do not fit into nice neat categories;” and finally, “The biggest problem we face is finding certified and knowledgeable teachers - specifically in the area of Emotional/Behavioral Disorders.”

Some schools were unprepared for the Special Education expectations in the start-up phase and may have been misinformed on the intersection of federal mandate and state regulation. One respondent explained, “Texas charter schools were initially told by the State that they were not required to hire certified teachers - until someone realized that the State cannot waive federal law, specifically special education. Most of the schools have little to no information or expertise regarding special ed, and, due to the shortage of special ed certified personnel available to their schools (and nationwide!), services were simply not being provided to the kids. [There is a] lack of teacher training and provision of tools for classroom teachers to implement the IEP in the classrooms - if they are not certified teachers to begin with, and therefore have never written lesson plans before, how can they understand how to document modifications in the regular curriculum?” Another offered, “Because we received so little training upfront in regards to Special Ed requirements when starting this school, it has been a uphill road to learn all that we need to know. It has been difficult to train staff and to identify all the students that may qualify for special education services. We are currently hiring outside consultants and attorneys to help us learn and meet the needs of our Special Education students.”

Table 38 provides data on the opinion of charter school principals regarding how accessible general resources are to charter schools. General resources pertain to how well-supported charter schools are, regarding personnel, materials, training, etc.

Table 37

Respondents' Opinion on Whether There is Sufficient Staffing Consideration for Charters

	No. of Responses	Percent of Sample
Sufficient consideration	101	48.8
Insufficient consideration	99	47.8
Missing Data	7	3.4
Total	207	100.0

A total of 43% felt that consideration provided to charter schools on general resources was insufficient. A slight majority of 52.5% of the respondents felt that general resources for charter schools was sufficiently considered. One respondent stated, "This is a very sticky issue. Some schools have a more qualified program. I would hate to force a school to miseducate a child due to lack of resources."

Table 38

Respondents' Opinion on Whether There are Sufficient Resources for Charters

	No. of Responses	Percent of Sample
Sufficient consideration	108	52.2
Insufficient consideration	89	43.0
Missing Data	10	4.8
Total	207	100.0

Table 39 provides data on the opinion of respondents regarding the amount of freedom they felt they were permitted in running their charter school. A total of 28% of the respondents felt that they were afforded the same amount of freedom as district schools, while 28% felt that they were allowed more freedom than they originally

anticipated. Only 10.6% felt that they were very limited in freedom and only 18.8% felt they were afforded a lot of freedom in running their charter school.

Autonomy was a hot topic for the respondents, many citing it as the main reason that they became involved in charters. With the growing need for more regulation and oversight to ensure that federal mandates are being met, however, there is growing concern about freedoms being taken away, specifically by local districts. One respondent offered, "Charter schools need special protection [from the local district] regarding special education funding and delivery of services. Not special consideration in terms of relaxed obligations to provide the best education possible for all children including those with special needs, but protection from school districts. What is needed is reform of special education that frees charter schools from this restrictive relationship while still providing adequate assurances in terms of funding and numbers of students served to provide the full range of needed special education services at reasonable costs." Another offered, "The freedom that Charter schools have from most regulations can be "bitter-sweet." With freedom comes risk. In other words, what may appear as freedom and an opportunity to better serve special education students may end up causing more confusion and a worse service delivery program because it is not developed or implemented correctly. I feel that it can be easy to underestimate the challenge of being free from regulations. Furthermore, when schools feel they are "free of some regulations" they may end up abusing that freedom and not providing services to certain students."

Table 39

Respondents' Opinion on Amount of Autonomy They Experience as a Charter School

	No. of Responses	Percent of Sample
A lot of freedom	39	18.8
More freedom than expected	58	28.0
About the same amount as district	58	28.0
Less freedom than expected	26	12.6
Very limited in freedom	22	10.6
Missing Data	4	1.9
Total	207	100.0

Table 40 indicates to whom charter school principals turn for support or answers when a question arises regarding a special needs student. The majority of respondents (68.6%) rely on their Special Education teacher/director for guidance while others (44.4%) rely on the district liaison assigned to their charter school.

Since charters are relatively new on the educational landscape, many respondents admitted that they rely on a number of supports, although many support systems still need refinement. One support model in Texas "is organized into Education services centers, which exist to support educational services in public schools, yet many of the folks that the service centers have hired to carry out this support are not aware of the uniqueness of charter schools nor have they had any experience in dealing with them. This often results in incorrect information being passed on to the charters, or little to no help at all. The state education agency has also encouraged the organization of special education co-ops among charters through provision of seed money. However, there must be one charter school willing to serve as the fiscal agent, and the others do not trust the

one playing that role, and in most instances, that one is not sophisticated enough to deal with the financial intricacies of the co-op financial management. Several have begun this past year and have not survived the year."

One respondent discussed how the necessity of remembering that the focus is on children and meeting their needs. "In this day of "standards-based" educational practices, is special education necessary? The State mandate is that "all students" will meet or exceed established standards. If this is our mission, then student achievement may no longer be a variable. In other words, we can no longer accept "bell curve" results when assessing student achievement. Johnny can either multiply fractions or he cannot. If achievement can no longer be a variable (all kids will learn algebra well), then instruction

Table 40

On Whom Respondents Rely for Support

	No. of Responses	Percent of Sample
District liaison or representative assigned to charter school	92	44.4
Other charter school principals	28	13.5
District special services contact	61	29.5
Lawyer	34	16.4
Special Education teacher/director	142	68.6
Other staff in building with Special Education experience	60	29.0
State board contact	41	19.8
US Department of Education contact	22	10.6
Other	42	20.3
No one	2	1.0
Missing Data	5	2.4

must be differentiated (become a variable) so that all students will learn. In other words, every student should have an IEP and receive modified and adapted instruction until learning has taken place. We need differentiated instruction for each child, therefore all education becomes "special" and the need for special education staffings, labels, paperwork, etc. becomes a moot point. Think about it. Special education was the "gun placed against the head of educators" because we were not educating all children. We only need special education if we wish to continue to sort and select kids along the bell curve of learning."

CHAPTER V

DISCUSSION

This chapter summarizes the results reported in Chapter IV, presents implications and conclusions, identifies limitations, and presents recommendations for further study.

Methodology and Purpose

The study focused on the state of Special Education programs and services in 207 charter schools within the United States. Data was obtained from a survey posted on the World Wide Web. The purpose of this study was to survey current charter school principals about their schools regarding student enrollment, class size, test scores, etc, in addition to assess their opinions about how charter schools were faring in the provision of Special Education and related services. The research question was as follows:

- a) What is the current state of special education in our nation's charter schools?

This question has four parts:

- 1a. Which criteria of effective schools do charter schools meet?
- 1b. To what extent is special education implemented in charter schools?
- 1c. What special education services are being provided in charter schools?
- 1d. What related services are being provided in charter schools?

As reported in Chapter III, there are a variety of criteria that have been identified as key factors in determining the efficacy of schools. The questions in this study's survey

focused on the criteria of test scores, improved attendance, community and parent participation (particularly parental participation), student participation in extracurricular activities, and more specifically, quality of support for students with special needs. Additionally, questions about class size, principals' opinions about inclusion of Special Education students in school programs, and access to sufficient resources, funding, staffing, and support were included.

Need for the Study

The intersection of minimally regulated charter schools and heavily regulated Special Education implementation can make for great confusion in the 2,370 operating charter schools in the United States (Center for Education Reform, 2001). Proponents of charter legislation vehemently argue for the need for charters, which are expected to provide competition and innovation in the nation's public schools. Opponents of charter legislation argue that money is being taken from public schools to create schools that are free from many regulations, which put children with special needs at risk for not receiving services that, according to federal law, they are entitled to receive.

This study was necessary to better understand the knowledge and opinions of charter school principals and to assess the implementation and understanding of Special Education practices in our nation's charter schools. The implementation of Special Education in charter schools is sometimes characterized as an afterthought by charter school administrators and charter-granting agencies. This study aids in assessing the attitude of charter principals in how committed they are in serving all students in their charter schools (Schnaiberg, 1997).

Findings

Responding to the Research Questions

1) What is the current state of special education in our nation's charter schools?

Special Education students certainly are present in our nation's charter schools. A wide range of disabilities are identified and are being served in our nation's charter schools. While it is apparent that a small percentage (12.6%) of the sample is ignorant of their duties in serving students with special needs, it is also apparent that services are being provided on-site, largely in inclusionary settings, in a majority of the charter schools.

1a) Which criteria of effective schools do charter schools meet?

Charter schools successfully fulfill a number of the criteria identified with effective schools. The variables of test scores, attendance rates, parental participation, student participation in extracurricular activities, class size, and quality of support for students with special needs served as the foci for effective school criteria in this study.

- 1) Test scores were average to high on an aggregate scale, particularly for charter schools that have not been in existence for very long. The study is unable to tell if test scores improved in the schools or had been high all along. In comparison, the majority (62%) of students in America's public schools score "at or above basic" or the 50th percentile and only 6% of the nation's students score "at or above advanced" (Pratt, 2000).
- 2) Average attendance rates were very high, and the class sizes of a slight majority of the schools were composed of 15-22 students. Again, it is not possible to ascertain if the attendance had improved or if the rate has always been high.

- 3) Parental participation and input was encouraged and implemented, as was student participation in a variety of extracurricular activities.
- 4) Quality of support for students with special needs was the overarching question in this study and certainly was scrutinized in many ways. In studying the numbers of children with disabilities, the various disabilities served in the schools, the types of services that were provided, and the principal's opinion on Special Education as a whole, the quality of support for students with special needs was determined to be mixed.
- 5) Some principals felt that they should not have to serve some students with special needs, some welcomed these students, and, some were impartial to serving these students. In as much as principals form the overall climate of their schools, their feelings about Special Education have a direct effect on the quality of support provided to children in the charter schools. Some respondents provided blatant testimony that they were not receptive to serving students with special needs – it is highly likely that these principals do not provide quality support to their students with special needs.

1b) To what extent is special education implemented in charter schools?

Students needing Special Education and support services are certainly present in the charter schools (97.6% of the sample reported having Special Education students in their schools). Despite the admission by some respondents that they attempt to “counsel out” children with special needs or they try to “unlabel” these children, the majority of children with special needs attending charter schools, do receive a wide range of services,

although it is not apparent that every service is available in all charter schools. For the most part, Special Education is being implemented in our nation's charter schools.

One concern, however, is the percentage of charter school principals that are unaware of their legal responsibility to comply with federal Special Education mandates. While these percentages may seem small, they still alarm Special Education advocates, in that, of the 207 schools, small percentages of principals feel they are exempt from two very important laws, IDEA 97 (12.6%) and Section 504 (10.1%). If this survey and its results reflects the entire charter school population, which affect a significant number of children, there would be a large number of principals (approximately 227) who do not feel they are mandated to comply with IDEA 97 and Section 504.

The following two questions are answered together below:

1c) What special education services are being provided in charter schools?

1d) What related services are being provided in charter schools?

One survey question in particular tackled this question. Two hundred of the 207 respondents stated that they provided one or more related service in their charter schools. The related services provided include Special Education teacher, psychological services, speech and language pathology, audiology, counseling services, medical services, school nurse services, occupational therapy, orientation and mobility services, parent counseling and training, physical therapy, rehabilitation counseling, transportation, and other services not listed here. Most schools offered more than one related service in their charter school.

Of all the related services, a few were offered in more schools than others. These include: Special Education teacher (79.7%), psychological services (59.9%), speech and language pathology (67.1%), and, counseling services (51.2%)

Other Findings

There tended to be four different responses from schools regarding special education in charter schools: 1) Some schools were specifically created to cater to special needs students; 2) Some schools “counseled out” or refused to enroll students with special needs; 3) Some schools chose to “mainstream” their Special Education students by “unlabeling” the child, stating that their school specifically meets every child’s needs anyway, making a label unnecessary; and finally 4) Some schools complied with the various requirements to provide services for students with special needs.

In the first scenario, there are schools that serve unusually high numbers of children with certain disabilities, such as Speech and Language or Educable Mentally Handicapped, strongly suggests that respondents have made an effort to serve this specific population. Increasingly, newly created and pre-existing charter schools are being founded to serve a special population of students. About one in four charter schools established their charter to serve a special population of students, often students considered “at-risk” (Nelson, et al., 2000). Pennsylvania Senator Delp commented, “ In the United States today, today over half of the charter schools that are in existence in the States cater specifically to special needs students” (Dale, 1999, p. 127). While Senator Delp’s estimate is rather high, it is important to note that legislators are aware that some charter schools choose to serve a population that tends to cost the public schools significant amounts of money and also tends to underserve academically. Several

charter school laws encourage and/or require this focus on special needs' students.

To this end, many schools are focused on dropout retrieval, troubled youth, or students with learning disabilities (Bierlein, 1996).

In the second scenario, some schools are nearly hostile toward the notion of educating all students with comments such as, "When it comes to serving special education students, if that is the mission of school then that is perfectly fine. But if that is not the focus of your charter then I feel we shouldn't be forced to accept that student." As was noted in Chapter II, one principal said outright, "What you do is sit down with the parents (of a special needs student) and discuss reality and hope they don't sue you." It is inexcusable for charter schools to counsel parents of students with special needs away from enrolling in the charter school. The absence of measures to ensure compliance and fair treatment to students with disabilities only encourages such practices. The National Council on Disability says current federal monitoring is woefully inadequate and recommends tough sanctions for districts and charter schools that violate the Individuals with Disabilities Act (IDEA) (Special Education Report, 1999). Included in this group are the charter schools that are not even aware that they have to serve students with special needs. While they may seem to be a harmless group in that they do not publicly oppose serving students, they are worse in that they simply do not provide services to students who may need them. Ignorance of the law is no excuse, yet lack of sufficient accountability measures regarding Special Education only exacerbates the problem.

Additionally, there are many complaints against for-profit charter schools accused of disserving special education students. "During the first half of the 1996-97 school year in Worcester, MA, 21 special education children from the [Edison Charter]

school returned to public schools, two-thirds of them in moderately handicapped categories. Parents were told that the charter school could not adequately accommodate their children's learning disabilities," (Worcester Telegram and Gazette, 1991 *cited in* American Federation of Teachers, 1997). A Boston College study found that for-profit charter schools in Massachusetts were discouraging – and sometimes overtly excluding – disabled students because those schools' survival depends heavily on high standardized test scores (Special Education Report, 1999). One survey respondent who worked for a for-profit management company stated that she was "appalled at the way that potential parents of students with special needs were given information that gave the impression that the school did not accept "those students", and (the school) would politely tell them about other options they could pursue. If the parent persisted, the administration would tell the parent that their child's grade was full, but that they could certainly get on the school's waiting list. You can imagine that their name never did come up on the waiting list." For each special education student that they enroll at their school, these for-profit groups receive the full stipend for each student with a special education label even though they do not provide full services (Dykgraaf and Lewis, 1998).

A third scenario is that of schools that attempt to "unlabel" a child, claiming that their school serves all students' needs thus negating the need for an IEP, effectively denying services that the child with special needs is entitled to receive. The parents of students who ordinarily qualify for an IEP are told their rights under state law. Parents are then invited to waive the preparation of a conventional IEP in favor of a school's self-defined "student service agreement." Schools such as this believe that the special ed label undermines its inclusive philosophy, one that yields a unique education plan for

each student (Finn, Manno, Bierlein, 1996). A consultant to the Chicago Public Schools stated in her 1999 report on Special Education in Chicago's charter schools, "When the charters first opened in 1997, students' least restrictive environment (LRE) were changed to consultation. This decision was based on the assumption that a continuum of services was not available in the charters" (Damore, 1999, p. 6). Essentially, the mandate to provide services is removed when a school amends a child's Individualized Education Plan (IEP) to "consultation", which merely consists of the case manager "consulting" with the child's teacher periodically on the child's progress. Despite these charters' intentions, good or otherwise, research suggests that making schools more "effective" will not eliminate the need for special education (Hocutt, 1996).

"It should be noted that despite the practice of simply removing a label that is too cumbersome to serve, what makes charter schools appealing to many disabled youngsters and their parents is precisely that the schools do approach these matters differently, and parents [with rare exceptions] do not complain or threaten litigation. Therefore, absent complaints from the "customers," federal and state enforcers have not, to the best of our knowledge, sought to harass charter schools into conformity, although by law they probably could" (Finn, Manno, Bierlein, 1996, p. 55).

This researcher strongly suggests that such "harassment" should begin to force compliance with federal mandates.

Finally, there are charter schools that comply with the federal laws regarding disabilities but which have not been established specifically to serve students with special needs. This survey did not explicitly ask respondents if the charter school was

established specifically to serve special needs students, so it is difficult to provide an exact number. Based on the data that was gathered, it is obvious that there are charter school operators who are cognizant of federal mandates, despite the fact that their mission does not specifically address special needs' students. These schools manage to carve out a special education program in charter schools.

When few or no students with special needs attend a charter school, it prompts one to ask why. It is apparent in reading some of the open-ended comments that some principals are actually hostile toward the very notion of having to serve children with special needs. If they are so hostile in responding to a survey, it is not unreasonable to question how well served the Special Education students are in these schools. Other comments strongly point to principals who counsel children out who may be expensive to serve or who may not fit the mold for that school's curricular focus ("We don't serve those children," or "An \$80,000 kid would break our budget.") These are bold statements for principals to make. Are these comments made out of ignorance of the law or purely elitist motives to only serve a set population? The percentage of respondents (12.6%) who did not feel that charter schools must comply with IDEA 97 is an incredibly high rate of rejection regarding one of the nation's most important education laws.

Limitations of the Study

Technology-Related Limitations

Historically, surveys were paper and pencil surveys in which the researcher mailed out hard copies of surveys to the sample. The sample was then asked to fill out the survey and mail back the completed survey. This researcher wanted to use

technology to administer the survey for three reasons: 1) to assure anonymity; 2) to ease the process of sending and receiving the surveys; and, 3) to potentially improve the response rate by ease of reply and promise of anonymity.

Despite overcoming hurdles associated with posting the survey on the Web as well as assuring receipt of the surveys, this method worked extremely well based on ease of administration of the survey. As could be expected, however, there were a few obstacles:

- a. There was a small problem when the survey hyperlink was e-mailed to the first ten people; one respondent e-mailed a message stating that two of the questions did not allow him/her to check more than one choice, contradicting the survey direction to "Check all that apply." Fortunately, as soon as the e-mail was received, the correction was made to the website before additional e-mails with the survey hyperlink were mailed out.
- b. Several respondents sent response e-mails stating that the server was down and they could not gain access to the survey.
- c. A significant number of e-mail addresses (96) were invalid. These e-mails were returned to the researcher by the postmaster, with a message that the e-mail address did not exist. A second attempt was made whereupon all were again returned. These were then discarded and did not receive subsequent reminder notices.
- d. The sample for the study was not truly a random sample in that principals without e-mail were not included. The sample was selected to include proportionate numbers of charter school principals from each state with

active charter legislation and then names were selected in a random fashion. Instead of deeming these random names as part of the sample, it was necessary to ensure that these principals had an e-mail address. If they did, they were included; if they did not have e-mail, the next person with an e-mail address was selected for the sample. Not all charter school principals have access to e-mail, automatically disqualifying them from being included in the survey sample.

It is important to address the researcher's choice to use an anonymous survey posted on the World Wide Web, as opposed to conducting a traditional paper-and-pencil survey where respondents' information is kept confidential. The choice of using the web-based survey to gather the data was made in an attempt to provide a format to allow for more honest responses. A study conducted in Wales concluded, "The highest levels of disinhibition were when the participants completed measures on the WWW anonymously...If completion of the WWW-based questionnaires is characterized by low public self-awareness and high private self-awareness among participants, the behavior of individuals who are more concerned with public image than with private ideals might be more affected when using the WWW" (Joinson, 1999, p. 437). In other words, participants who responded to a survey on the WWW could be expected to be usually more honest, especially when responding to questions that were politically delicate to answer. Respondents are expected to answer more truthfully when assured anonymity via the Web, especially if their opinion is socially unacceptable or hostile. Respondents who hold positions in the social or professional world are expected to speak and behave politically correctly, but the anonymous survey on the WWW provides a "safe" outlet for

them to provide honest answers without social or professional disapproval or recourse. The author agrees that the web-based survey solicited responses that were very open and provided rich data; respondents tended to provide substantial insight and spoke very frankly.

Research Limitations

There were a number of questions on the survey that could have been stated or asked differently to possibly ensure a greater response, as well as more accurate data, for the particular question(s). The following questions are presented as stated on the survey; the concern about the question follows each.

- What types of extracurricular programs are made available to students in your school? (check all that apply)
 - ☐ Sports teams
 - ☐ Language clubs
 - ☐ Music lessons/Choir/Band
 - ☐ Art enrichment
 - ☐ Other

CONCERN: This question did not offer any option for “Does not apply” or “No extracurricular programs are currently offered.” Twenty-two respondents did not respond to this question, and the lack of an option as stated above may account for the high rate of missing responses to this question.

- What is your school’s overall aggregate percentile scores in Mathematics and Reading based on the most recently taken standardized test score?

Mathematics/Reading Total

- ☐ 80% or higher
- ☐ 60%-79%
- ☐ 40%-59%
- ☐ 20%-39%
- ☐ Less than 20%
- ☐ No data available

CONCERN: The options offered little alternative in reporting scores except for the standardized test total for reading and math. Also, some schools do not report their data in this format. It was assumed that all charters report standardized test data as a measure of academic accountability. Some charter schools do not give standardized tests, making it difficult to measure the accountability of these schools. The foremost problem holds for American education generally: public schools across the country neither use the same tests for measuring student achievement nor administer their tests to the same grades on the same testing schedule. Thus, test results generally cannot be compared – in a definitive fashion – across all public schools or all charter schools (Nelson, et al., 1998).

Additionally, it should be noted that 22.7% of the schools reported “No data available” for test scores, however only 14% were open less than a year. These two percentages should correlate as one assumes that the only reason that a school would not have data available is due to the fact that they were not operational the year prior. The discrepancy of approximately 8% may be due to respondent error, or may suggest that some schools do not have current data available, despite the fact that they have been

operational for more than a year. How then are these schools held accountable for student achievement?

Finally, the survey would have been better designed if respondents were asked to indicate growth on standardized test scores to better meet Sergiovanni's criterion of "improved" test scores. The survey only asked for current scores, therefore making it impossible to determine if any improvement took place.

➤ How many of your students currently have an Individualized Education Plan?

- ☐ 0 - 15
- ☐ 16 - 30
- ☐ 31 - 45
- ☐ 46 - 60
- ☐ More than 60

CONCERN: The survey question did not ask for the percentage of students who have IEP's, only raw numbers. Therefore, it is not possible to determine how proportional the charter schools in the sample are in regard to presence of Special Education students related to other public schools. This same concern holds true for the survey question asking how many students were evaluated within the last year.

➤ Type in the approximate number of students receiving Special Education services that are provided services in the following models:

- ☐ 0-20% time removed from the general education classroom?
- ☐ 21-60% time removed from the general education classroom?

- 61%-100% time removed from the general education classroom?

CONCERN: The way that these choices were presented may have confused the respondents, especially if they were unfamiliar with Special Education models such as inclusion. There were 77 missing responses about educating in the 0-20% time-removed model; there were 167 missing responses about educating in the 21-60% time-removed model; there were 180 missing responses about educating in the 61-100% time-removed model. These high numbers suggest that either the respondent either neglected to enter "0" indicating that 0 students were educated in each particular model or that respondents skipped the question(s) altogether.

Additionally, it would have been more telling to know the percentage of students served in these three settings, rather than raw numbers.

- Type in the approximate number of your Special Education students whose primary/secondary disability is: Learning Disabled, Behavior Disordered, Emotionally Disordered, Speech and Language, Other, Educably Mentally Handicapped/Trainably Mentally Handicapped.

CONCERN: The primary and secondary disability labels that were listed on the survey were not universal in that each state used different labels, and even different schools within the same state utilized different labels or created their own labels. Some schools did not pigeonhole their students into certain labels but rather labeled them as "cross-categorical."

- Type in the approximate number of students receiving Special Education services that are provided services in the following models:

- 0-20% time removed from the general education classroom?
- 21-60% time removed from the general education classroom?
- 61-100% time removed from the general education classroom?

CONCERN: The unexpected presence of charter schools that were created specifically to serve special needs students skews the results derived from this question. For example, a charter school that serves 100% autistic children will state that they educate in an inclusionary setting since the children are educated in the “regular” classroom. The “regular” classroom, however, is actually a classroom designed to serve the needs of autistic children, which in a typical public school would be considered an instructional setting or a 61-100%-removed model.

- How many of your students currently have an Individualized Education Plan?

CONCERN: As it is possible for students with an IEP to be dually enrolled, the results derived from this question may not be accurate. If a child attending a charter school has an IEP but is dually enrolled at another school that provides the necessary services, the principal may not have included that child in this figure.

Finally, a critical limitation is that the data culled from this survey may be the actual state of special education in charter schools or it may well be the principals' perception of how special education is being implemented in these schools. A small percentage of the principals (1.4%) indicated that they did not feel sure at all about their

knowledge of special education law. Principals who are unsure of what the law mandates may assign the responsibility of Special Education administration and compliance to another staff member or a Special Education coordinator. The principal then may not be fully aware of how Special Education is implemented or even if the school is compliant.

Recommendations for Further Research

Several recommendations about further research are presented. Charter school principals tend to be anxious to share ideas and thoughts and many were looking for ways that this researcher could “help” them with this particular issue. Many respondents asked the researcher for advice or input on various issues in the *Comments* section of the survey. It is important to note that the requests for information that were received were not solicited, rather information or further discussion was being solicited via the survey.

Further research may investigate ways to better inform and educate charter school principals or applicants wishing to obtain a charter about special education. While there are numerous studies about charter schools and special education such as that by Riley, McGuire, and Conaty’s 1998 study, Charter Schools and Students with Disabilities: Review of Existing Data and Terman, Lerner, Stevenson, and Behrman’s 1996 study, “Special Education for Students with Disabilities: Analysis and Recommendations”, clearly, there needs to be better communication to potential and existing principals of their responsibilities regarding Special Education mandates. As was noted in Chapter II, the U.S. Department of Education’s widely distributed publication, “The Charter School

Roadmap," which is a guide to starting a charter school, does not once mention Special Education or the legal mandates with which charters must comply.

Due to the design of this survey, this study was unable to determine the actual quality of services provided in charter schools. One important area for future research is the quality of the services provided to Special Education students attending charter schools. Are the services sufficient? Are the teachers properly certified? Are students' IEPs being tailored to the budgetary and staffing constraints of the school? Are IEP's being written specific to the child and his/her needs? This is certainly an area of research that would be beneficial to students, charter schools, legislative bodies, and scholars.

A comprehensive study needs to investigate the delivery of Special Education in each state with existing charter legislation. Do the charters' delivery of Special Education and related services differ from that of "regular" public schools? How could states be more proactive in expressing the requirements for compliance with federal mandates for charter schools? Would this stifle the original intent of charter schools – to be free of most bureaucratic regulations in order to provide a better educational alternative?

It is further recommended that a research tool be designed that can measure all eight of Sergiovanni's criteria for effective schools. The three criteria that were not investigated in this study were: 1) A generally increased number of writing and homework assignments, with the amount of homework based on the age of students; 2) Increased instructional time spent on mathematics, English, science, history, and social science, foreign languages, and fine arts; and, 3) Awards and recognition for students and

teachers. It would also be helpful to more accurately assess if test scores and attendance rates improve in charter schools.

Finally, it would be helpful to assess the understanding of charter school authorizers and lawmakers who develop Special Education mandates, how are these to be implemented in charter schools? Such a study might provide the federal government with information about the educational needs of state legislators and charter authorizers about charter schools to ensure that federal mandates are properly and thoughtfully implemented. How can these laws be best written to ensure that charter recipients are fully aware of their responsibilities to all students? How can they educate districts on how charter schools fit into the special education equation?

Conclusion

The questions addressed in this study attempt to provide insight on how charter school principals view Special Education, how and if they implement Special Education in their schools, their understanding of their legal obligations, and to assess the presence of children with disabilities in their charter schools. Despite the paradoxical relationship between the heavily regulated Special Education mandates and the typically loosely regulated charter legislation, it is hoped that a comprehensible intersection can be reached in the best interest of all children who choose to attend schools of choice. In passing IDEA 97, Congress intended for children with disabilities to not only be part of the general education reform, but to also benefit from the rich opportunities that charters present to our nation's children. This study determined that students with special needs are receiving appropriate services in a large majority of the charter schools, but there is great concern over a number of schools who are unaware of their obligations under IDEA

97 and Section 504. There is further concern about the charter schools that attempt to counsel special needs' students out of the school or attempt to "unlabel" these students. More work needs to be done to ensure that charter school principals understand their obligations to these federal mandates and ensure equitable opportunities for all students.

Survey of Charter School

Wait! Please don't delete me!

My name is Nancy Luchessa, a District candidate at Loyola University Chicago. I understand that you may be interested in the work of the Special Education Association focused on special education in charter schools. The way we are being sent to a random sampling of charter schools across the nation and I am greatly interested in helping to understand the needs of schools, their experiences, and how Special Education is handled in innovative schools.

Since your address will be made available to the public, you may be completely honest in your responses. This is a web-based survey and you can return the survey to a mail address of the sender of the responses. This is a confidential survey and will be kept confidential.

This survey is 7 pages long and it is important that all information is complete. Note that if you have to answer the survey, leave the survey open for 15 minutes and information will be kept. We recommend that you complete the survey in one sitting of no more than 15 minutes.

APPENDIX A

If you wish to obtain a copy of the survey, please request the results in writing by sending a CD-ROM to the Survey of Charter Schools, Chicago, IL 60605 after Jan. 1, 2007. If you have any questions or concerns regarding this survey, please feel free to contact Nancy Luchessa.

How long has your charter school been open?

- ☐ Opened during the year
- ☐ Open 1 year
- ☐ Open 2-3 years
- ☐ Open 4-5 years
- ☐ Open 6 or more years

What state is your charter school in?

State

AK

What grade levels do you provide in your charter school? (check all that apply)

☐ Primary ☐ Elementary ☐ Middle ☐ High ☐ All

Approximately how many students do you serve in your charter school?

- ☐ 1-50
- ☐ 51-100
- ☐ 101-250
- ☐ More than 250

Survey of Charter School Directors

Wait! Please don't delete me!!

My name is Nancy Dearhammer, a doctoral candidate at Loyola University in Chicago and a fellow Director of a charter school in Illinois. I understand that you may be inundated with paperwork but I would greatly appreciate your help. My dissertation focuses on special education law as it applies to charter schools in practice. This survey is being sent to a random sampling of charter school directors across the nation and your help is greatly appreciated in helping to understand the intricacies of charter schools, their importance in educational reform, and how Special Education is handled within these innovative schools.

Since your answers will be anonymously received, you may be completely honest in your responses. This is a web-based survey; I am unable to trace the name or e-mail address of the sender of the responses. This is a measure to ensure anonymity in this research.

This survey is 7 pages long and should take no more than 15 minutes to complete. Note that if you begin to answer the survey, leave the website, and return to it later, any unsent information will be lost. It is recommended that you complete the survey in an uninterrupted timeframe of no more than 15 minutes.

If you wish to obtain a copy of the tabulated results of this survey, you may request the results in writing by sending a SASE to Nancy Dearhammer, 1212 S. Michigan Ave. #1010, Chicago, IL 60605 after June 1, 2001. If you have any questions or concerns regarding this survey, please feel free to contact Nancy. Thanks!!

How long has your charter school been open?

- ☐ Opened doors in 2000
- ☐ Open 1 year
- ☐ Open 2-3 years
- ☐ Open 4-5 years
- ☐ Open 6 or more years

What state is your charter located in?

State

What grade levels do you serve in your charter school? (click all that apply)

- ☐ Primary ☐ Elementary ☐ Middle ☐ K-8 ☐ Middle-High ☐ 9-12 ☐ K-12 ☐ Ungraded ☐ Other

Approximately how many students do you serve in your charter school?

- ☐ 1-50
- ☐ 51-151
- ☐ 152-251
- ☐ More than 251

What is the average daily student attendance for your school?

- ☐ 95%-100%
 - ☐ 85-94%
 - ☐ 70%-84%
 - ☐ 50%-69%
 - ☐ Below 50%
-

What is the average class size in your school?

- ☐ Less than 15 students per class
 - ☐ 15-22 students per class
 - ☐ 23-30 students per class
 - ☐ More than 30 students per class
-

What is your school's overall aggregate percentile scores in mathematics and reading based on the most recently taken standardized test?

Mathematics Total

- ☐ 80% or higher
 - ☐ 60%-79%
 - ☐ 40%-59%
 - ☐ 20%-39%
 - ☐ Less than 20%
 - ☐ No data available
-

Reading Total

- ☐ 80% or higher
 - ☐ 60%-79%
 - ☐ 40%-59%
 - ☐ 20%-39%
 - ☐ Less than 20%
 - ☐ No data available
-

What role do you play in involving parents? (check all that apply)

- ☐ Attend parent organization meetings
 - ☐ Schedule time regularly to meet with parents in a group
 - ☐ Ask parents to become involved with school day
 - ☐ Parents help to make decisions about school curriculum, schedules, etc.
 - ☐ Other parental involvement
 - ☐ Parent organization is not strongly encouraged
-

What types of extracurricular programs are made available to students in your school? (check all that apply)

- ☐ Sports teams
 - ☐ Language clubs
 - ☐ Music lessons/Choir/Band
 - ☐ Art enrichment
 - ☐ Other
-

What are the obligations/legal mandates for your particular charter school? (click all that apply)

- ☐ Have to comply with IDEA 97 requirements
- ☐ Have to comply with state-issued Special Education mandates
- ☐ Have to comply with Section 504 requirements
- ☐ Have to comply with district mandates regarding Special Education
- ☐ Waived from most of these requirements
- ☐ Waived from all of these requirements

How many of your students currently have an Individualized Education Plan?

- ☐ 0-15
- ☐ 16-30
- ☐ 31-45
- ☐ 46-60
- ☐ More than 60

Approximately how many of your students have been evaluated within the last calendar year for Special Education?

- ☐ 1-5
- ☐ 6-10
- ☐ 11-15
- ☐ More than 15

Type in the approximate number of your Special Education students whose **primary** disability is:

Learning Disabled	Behavior Disordered	Emotionally Disordered
Speech and Language	Other	Educable Mentally Handicapped/Trainable Mentally Handicapped

Type in the approximate number of your Special Education students whose **secondary** disability is:

Learning Disabled	Behavior Disordered	Emotionally Disordered
Speech and Language	Other	Educable Mentally Handicapped/Trainable Mentally Handicapped

access to funding

Choose one: ☐ Sufficient consideration for and access to appropriate staffing ☐ Insufficient consideration for and access to appropriate staffing

Choose one: ☐ Sufficient consideration for and access to general charter support ☐ Insufficient consideration for and access to general charter support

Choose one: ☐ Sufficient consideration for and access to general resources ☐ Insufficient consideration for and access to general resources

When a question or concern arises in your school regarding a special needs student, to whom do you turn? (Check all that apply.)

- ☐ District liaison or representative assigned to charter school
☐ Other charter school principals ☐ District Special Services contact
☐ Lawyer ☐ Special Education teacher/director ☐ Other staff in building with Special Education experience
☐ State board contact ☐ US Department of Education contact ☐ Other ☐ No one

In your opinion, how much freedom has autonomy from most regulations (as stipulated in most states' charter law) allowed you to run your charter school?

- ☐ A lot of freedom
☐ More freedom than expected
☐ About the same amount as in the district schools
☐ Less freedom than expected
☐ Very limited in freedom

Does the expectation that charter schools serve all students regardless of disability or the severity interfere with your charter's educational mission and goals?

- ☐ Yes
☐ No
☐ Partially

If the special education expectation does interfere with your school's mission and goals, check the area(s) that strongly challenge your school program.

- ☐ Financial ☐ Challenging curriculum ☐ Appropriately certified staff ☐ Insufficiently trained regular education staff ☐ Severity of students' disabilities ☐ Unavailability of space or inaccessible building
☐ Not applicable

In your opinion, should every charter school be required to provide Special Education and related services to severe/profound students?

- ☐ Yes, serve all ☐ No, serve none ☐ Serve some students, but not all ☐ Serve most students, but not all

In your opinion, how familiar are you with Special Education law?

- ☐ Strong ☐ Adequate ☐ OK ☐ Can usually get by ☐ Not sure at all

In your opinion, how familiar are you with charter school law?

☐ Strong ☐ Adequate ☐ OK ☐ Can usually get by ☐ Not sure at all

Finally, you are invited to share any comments you might have regarding the delivery of Special Education and related services within charter schools:

Once all questions have been answered, please submit responses by hitting the Submit button below:

SUBMIT!

Thank you for your participation!



January 15, 2001

Dear Charter School Director/Principal,

You have been randomly selected to respond to a survey conducted by Nancy Deardorff, Assistant Professor at the University of Chicago. Due to the innovative reform programs, development of new curriculum, and forms of charter schools, there is much concern about how charter education is being served within these charter schools. This survey serves as a vehicle to gauge the actual practice of Special Education and its related services within your specific charter school. Many charter directors have expressed concern that they are not teaching their students education experiences that schools. I ask that you do not forward the survey to another staff member. The survey attempts to gauge the principal/director's understanding of special education only. I appreciate your understanding.

1. A random sampling of charter school directors have been selected to fill out this web-based survey. At the end of the email message is a link to the survey which, when clicked on, will take you directly to the survey.

APPENDIX B

ELECTRONIC MAIL LETTER TO RECIPIENTS & FOLLOW-UP LETTER

2. The survey results will be shared with the University of Chicago, Nancy Deardorff, only. The survey results will be shared with you to see the survey number's status, responses are anonymous.
3. The responses to the survey will be shared with you in that results will be tabulated and returned for the purpose of the research only. Should the results be published, the University of Chicago will ensure that your name is not included due to the anonymity of the survey.
4. When responses are shared with you, they will be shared with the district, sponsoring agency, and national/international survey agency. No individual responses can be shared with individual respondents.
5. You have the right to refuse to participate and to discontinue participation at any time without prejudice. However, it is hoped that you will respond to the survey effort to gauge how practices within our charter schools.
6. If you have any questions now or at anytime during the survey, feel free to contact me at nancydeardorff@uchicago.edu or call me at 312-557-1992.

Should you agree to participate in this survey, simply click on the address below:

www.uchicago.edu/~nancydeardorff/survey.htm

For if you are not able to access the site simply by clicking, direct your address to nancydeardorff@uchicago.edu. Thank you for your participation in this survey.

Should you not agree to participate, please reply back to this email with "no" to prevent further correspondence. I appreciate your response.

Thank you,
Nancy Deardorff



January 15, 2001

Dear Charter School Director/Principal,

You have been randomly selected to respond to a survey conducted by Nancy Dearhammer, a doctoral candidate at Loyola University of Chicago. Due to the innovative reform movement sweeping across the country in the form of charter schools, there is much concern about how Special Education students are being served within these charter schools. This survey serves as a vehicle to gauge the actual practice of Special Education and its related services within our nation's operating charter schools. While many directors have expressed concern that they are not familiar with special education practices in their schools, I ask that you do not forward the survey to another staff member. The survey attempts to gauge the principal/director's understanding of special education only. I appreciate your understanding.

1. A random sampling of charter school directors have been selected to fill out this web-based survey. At the end of this e-mail message is a link to the survey which, when clicked on, will take you directly to the survey.
2. The survey results will be submitted to doctoral candidate, Nancy Dearhammer, only. No other persons are involved in receiving or tabulating this data. Furthermore, because the survey is web-based it is not possible to see the survey sender's name; responses are anonymous.
3. The purpose of this survey is strictly academic in that results will be tabulated and reviewed for the purpose of the dissertation only. Should the results be published, the identity of individual responses cannot be revealed due to the anonymity of the survey.
4. Since responses are anonymous, there is no risk involved. No district, sponsoring agency, educational management company, university, or state educational agency can be notified of individual responses.
5. You have the right to refuse or withdraw consent and to discontinue participation in the survey without prejudice. However, it is hoped that you will respond to the survey in an effort to gauge true practices within our charter schools.
6. If you have any questions now or at anytime during the survey, feel free to e-mail Nancy at nancydearhammer@hotmail.com or call her at 312-957-1993.

Should you agree to participate in this survey, simple click on the address below:

www.homepages.luc.edu/~njannus/taggedsurvey.html

(or if you are not able to access the site simply by clicking) direct your web browser to the web address: www.homepages.luc.edu/~njannus/taggedsurvey.html. Doing so will take you directly to the survey.

Should you not agree to participate, please reply back to this e-mail message with this message, "No, sorry" to prevent further correspondence. I appreciate your help and time in this endeavor.

Thank you,
Nancy Dearhammer



Dear Charter School Director,

Last week, an e-mail was directed to you regarding a survey on Special Education in charter schools. Your name was randomly selected to participate in this study. While it is understood that your schedule is a busy one, I ask that you please take a few moments to fill the survey out as best as you can.

Due to the web-based nature of the survey, I am unable to determine who responded to the survey and who did not. If you have already completed and submitted the survey, I appreciate your help – simply disregard this message. If you have not yet responded, I ask for your help in determining how charter schools can be better equipped to handle Special Education concerns in their schools. As a former charter school director, I recognize the need for clear answers and hope that this survey will help to fill some of these gaps. Your input is greatly needed and appreciated.

Thank you again!

Nancy Dearhammer

ADA	American with Disabilities Act passed in 1990
BD	Behavioral Disorders
ED	Department of Education; the governmental organization that oversees Section 504 of the Rehabilitation Act
FAPE	Free appropriate public education. Free denotes that no fees above and beyond what public schools charge students for Special Education or its related services. Appropriate denotes that the proposed educational program for a child with disabilities is designed specific to that child and his/her needs. This tends to be highly subjective as various participants

APPENDIX C

LIST OF ACRONYMS

ADA	American with Disabilities Act
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IEP	Individualized Education Plan
IR	Individualized Respite Plan
LD	Learning Disabilities
LEA	Local Educational Agency

LIST OF ACRONYMS

ADA	Americans with Disabilities Act passed in 1990...
BD	Behavior Disordered...
ED	United States Department of Education; the governmental organization that enforces IDEA 97 and Section 504 of the Rehabilitation Act.
FAPE	Free appropriate public education. Free denotes that no fees above and beyond that paid by regular education students for Special Education or its related services. Appropriate denotes that the proposed educational program for a child with disabilities is designed specific to that child and his/her needs. This tends to be highly subjective as various participants may disagree on the appropriateness of a proposed program. Public denotes that the education meets the standards of the state educational agency. Education refers to the learning process.
IDEA	Individuals with Disabilities Education Act.
IDEA 97	Individuals with Disabilities Education Act, Amendments of 1997.
EAHCA	Education for All Handicapped Children Act.
EMH	Educable Mentally Handicapped
IEP	Individualized Education Plan
LD	Learning Disabled
LEA	Local Educational Agency

LRE	Least Restrictive Environment; refers to the placement of a child in a program or classroom with non-disabled peers to the greatest extent possible.
NASBE	National Association of State Boards of Education
NASDSE	National Association of State Directors of Special Education
OCR	Office of Civil Rights
SEA	State Educational Agency
TMH	Trainable Mentally Handicapped
SPED	Special Education and/or related services
SPL	Speech and Language Services

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VITA

The author of this study, Nancy E. Dearhammer, was born July 12, 1968 to John and Mary Ellen Dearhammer in Chicago, Illinois. She graduated from Notre Dame High School in 1986. She graduated from Concordia University of River Forest, Illinois in 1990 where she majored in Elementary Education. She secured employment as a fourth and fifth grade teacher at Epiphany Peace School in Chicago, Illinois.

Ms. Dearhammer taught at Epiphany Peace from 1990 through 1992, until she enlisted as a Peace Corps Volunteer in 1992. From 1992 through 1994, she served as a Volunteer in the West Indies, specifically in the island nation of Antigua, where she served as a teacher trainer for the country's 78 Infants' schools. She also worked as a Community Development volunteer in Greenbay Village on the northern coast of the island. In 1994, Ms. Dearhammer then was awarded the DeWitt-Wallace Returned Peace Corps Fellowship at the University of Michigan, Ann Arbor, Michigan. From 1994 through 1996, she taught Science to children in Kindergarten through Grade 3 for a period and went on to teach a self-contained first grade class at Maya Angelou Elementary School in Detroit, Michigan. Ms. Dearhammer accepted her first principalship at St. Helen's School in Chicago where she served as principal from 1996-1997. In 1998, she assumed the principalship at Chicago International Charter

School in Chicago where she served until 1999. From 1999-2000, Ms. Dearhammer served as the vice-president of curriculum and instruction for three charter schools under the management of American Quality Schools. In 2000, Ms. Dearhammer ran a small private school on Chicago's west side while she applied to open a charter school in Chicago. On December 20, 2000, her charter was approved. She is currently working on opening L.E.A.R.N. Charter School for July, 2001.

Ms. Dearhammer began her graduate education in 1994 at University of Michigan. She graduated from University of Michigan in 1996 with a double M.A. in The Art of Teaching and Administration. In 1998, Ms. Dearhammer was accepted to the Ed.D. Curriculum and Instruction program at Loyola University.

Ms. Dearhammer currently resides in Chicago, Illinois.

DISSERTATION APPROVAL SHEET

The dissertation submitted by Nancy E. Dearhammer has been read and approved by the following committee:

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The final copies have been examined by the director of the dissertation and the signature which appears below verifies the fact that any necessary changes have been incorporated and that the dissertation is now given final approval by the Committee with reference to content and form.

The dissertation is therefore accepted in partial fulfillment of the requirements for the degree of Doctor of Education.

11-29-01
Date


Director's Signature

